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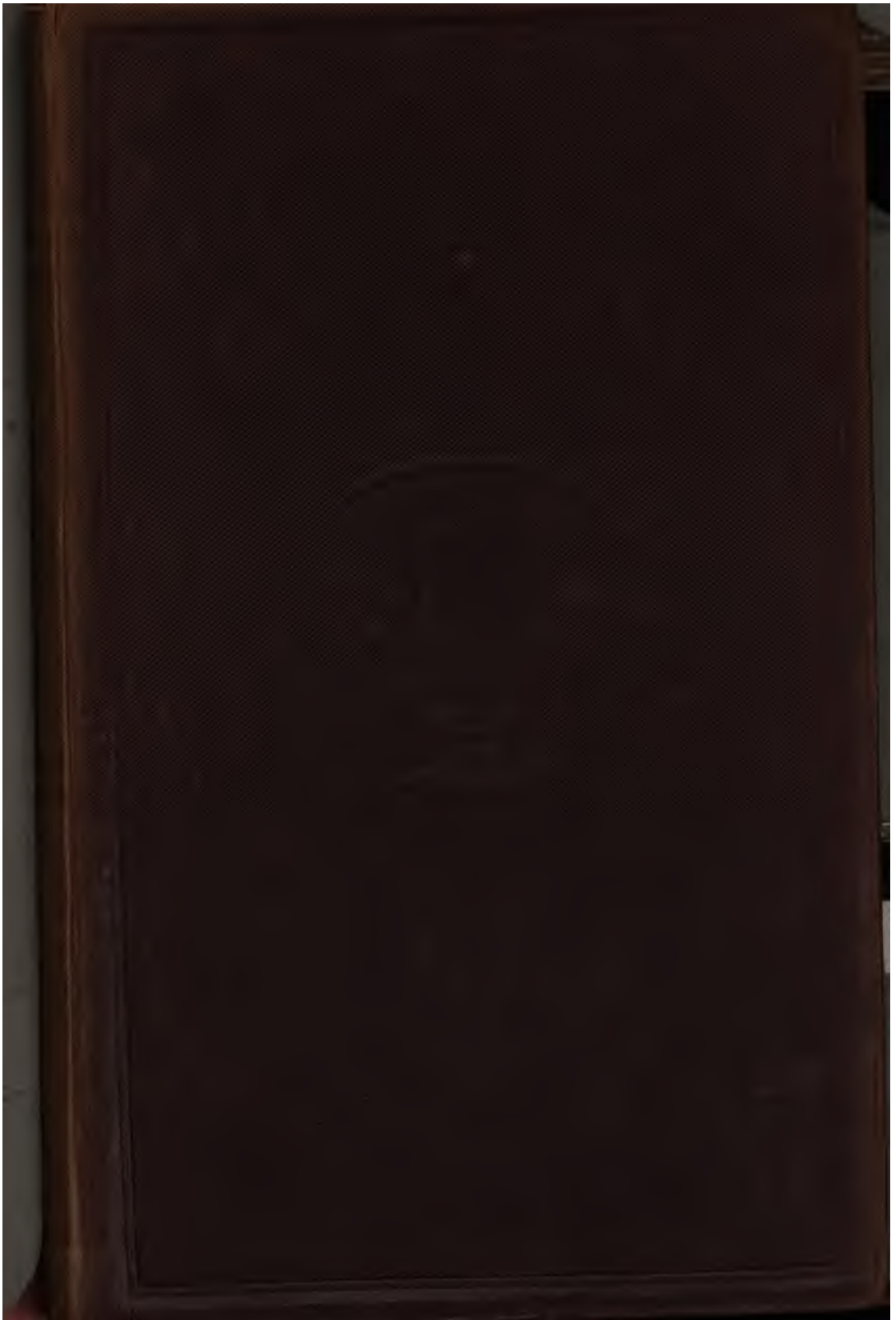
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# A TREATISE

ON THE

# COPYRIGHT OF DESIGNS,

*&c. &c.*

III



DIORAMA.

# A TREATISE

ON THE

# COPYRIGHT OF DESIGNS

FOR PRINTED FABRICS;

WITH CONSIDERATIONS ON THE

# NECESSITY OF ITS EXTENSION,



AND COPIOUS NOTICES OF THE STATE OF CALICO PRINTING IN
BELGIUM, GERMANY, AND THE STATES OF THE
PRUSSIAN COMMERCIAL LEAGUE.


BY

J. EMERSON TENNENT, Esq., M.P.,

CHAIRMAN OF THE COMMITTEE OF THE HOUSE OF COMMONS
ON THE COPYRIGHT OF DESIGNS.


---

"That it is the opinion of the Committee that it is expedient to extend the copyright of designs."

*Report of the Committee of* 1840, *p.* 3.

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LONDON:

SMITH, ELDER AND CO.

MDCCCXLI.



700.

LONDON:
PRINTED BY STEWART AND MURRAY,
OLD BAILEY.

TO

# WILLIAM HENRY, Esq.

*&c. &c.*

ISLAND BRIDGE, DUBLIN.

---

My dear Sir,

At this moment, when strenuous efforts are making to direct public attention to the manufactures of Ireland, there is no one to whom I can so appropriately dedicate a volume written with an earnest regard to the interests of one of the most important branches of our national industry than yourself; to whom, more than to any individual living, Ireland is indebted for the advancement and possession of Calico Printing. Your energy, your abilities, and your capital, have served to retain in this country this important manufacture, which was rapidly leaving it, and your large establishment, created altogether by your own individual exertions, has reached and maintained a British reputation, and has introduced the manufactures of Ireland into our colonies and distant markets, to which, but for your enterprize, they could never have penetrated.

But I have another and an equally appropriate reason for selecting your name, with which to launch a treatise upon the amendment of the law of copyright.—The evidence given before the Committee of the House of Commons, exhibits you as by far the most aggrieved sufferer from its present evils and imperfections, and, therefore, the most directly and deeply interested in its improvement. And I sincerely believe, that there is no Irish Representative in Parliament, who reads in the Report of that Committee, the details of the wrongs and injuries inflicted through you, upon the struggling industry of his country, who will hesitate for one moment to grant that measure of redress, of the want of which your individual case alone affords so painful an illustration.

I remain,
My dear Sir,
Yours, most sincerely,
J. EMERSON TENNENT.

*Beech Park, Belfast,*
*Jan.* 1, 1840.

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TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, IN PARLIAMENT ASSEMBLED.

*The humble Petition of the undersigned Printers of Calicoes and other woven Fabrics, Merchants, Manufacturers, Engravers, and others, carrying on business in and near Manchester, in the County of Lancaster.*

Sheweth,

That your Petitioners have learnt with the greatest satisfaction the introduction of a bill into your honourable house for extending the protection given to original designs, or patterns, printed upon woven fabrics, from the term of three months to twelve, thereby giving to the original inventor, or proprietor of such designs, a right of property for a reasonable time in the produce of his skill, or capital, of which he has hitherto been unjustly deprived.

That your Petitioners are all deeply interested in, and many of them wholly dependent on the welfare and prosperity of the print trade, which is one of the great staple manufactures of the country, and they most respectfully and earnestly submit to the consideration of your honourable house, that whilst the various fabrics themselves enjoy that natural protec-

tion which the law affords to property, yet, by a strange anomaly, the original designs or patterns which give to these fabrics a great portion of their value, and which are equally the produce of labour, skill, and capital, are left almost wholly unprotected, the inventors or proprietors of such designs having no proprietary interest in them beyond a few weeks, when they become the common property of the trade.

That your Petitioners are aware of the just repugnance of the Legislature to the granting of new, or the extension of old monopolies, or of giving to one class exclusive privileges which are denied to others; that your Petitioners *want no exclusive privileges*, nor do they seek to profit by the taste and fancy of designs successfully applied to industrial art before the inventor himself has been remunerated for his expense, or rewarded for his talent; but they confidently ask not only for themselves, but for *every man* who applies himself to the art of design, that protection for their labour which some branches of industry already enjoy, and they do implore your honourable house to defend them by new enactments from the depredation of those who live on the invention of others.

Four years ago, a Select Committee of your honourable house investigated the subject of arts and manufactures, and in an interesting Report, accompanied by most important evidence disclosing this

humiliating fact, *that however much the manufacturers of this country surpass their continental rivals in the goodness and cheapness of their productions, they are immeasurably below them in the taste and elegance of their designs. The fact is incontestible, and your Petitioners ascribe it mainly to the want of adequate protection*, for no one will devote much time, attention, and money, to an object of which, if unsuccessful, he must bear the loss, and of which, if it succeeds, he must share the profit with the public. Without protection, Schools of Design, your Petitioners venture to predict, will accomplish nothing; protection, without schools, may do much, but both united would give a stimulus to this deficient branch of our national industry, which would soon place the productions of this country on a level with those of the most distinguished nations.

Your Petitioners wish to proceed on no new principles, nor to establish any new precedent not heretofore recognized. Copyright in patterns and designs has existed for half a century, and the legislation of the last session sanctioned the extension of it to twelve months. Your Petitioners look with confidence, therefore, to your honourable house, to place the branch of industry in which they are engaged, on a footing not less favourable. With the confidence of men who understand thoroughly their position, your Petitioners tell your honourable house most respectfully, that with you rests the question of

whether the taste in industrial art, as regards the printing of woven fabrics, is to be improved or not.

Your Petitioners beg leave to remark, that the copyright for three months, first granted in the year 1794, was for the protection of the London printers, who worked almost wholly for the trade of the metropolis, and was found then barely sufficient to protect their interests, the shorter period of two months having been previously found by experience to be wholly inadequate. The state of the trade, and the circumstances of your Petitioners, are greatly changed from those of the period alluded to. From a small and insignificant beginning, this industry now gives employment to thousands, and instead of one market at home, most of the great markets of the earth are supplied by this kingdom.

The natural progress of civilization, refinement, and intercourse, is to assimilate the wants and tastes of different and distant countries—thus, in articles of dress there is at this day not much difference between London, Paris, Vienna, and New York ; and the printed muslins, challis, cambrics, and other fabrics manufactured by your Petitioners for the first of these cities, are well suited to the last.

Such, however, is the perverse, injurious, and unforeseen operation of that law—framed originally for the metropolis, which limits the term of Copyright to three months, that the merchants of this country cannot send goods to the United States, which are

also intended for the London or home market, without losing their Copyright at home; the period of its duration not sufficing to cover the time required for both markets, and the rapidity of steam navigation across the Atlantic, bringing back the patterns to this country long before the period of their publication here. The same may be said of all the European markets nearer home, and with still greater force of all the more distant markets of the earth. Three alternatives present themselves under these circumstances: first, to abandon the foreign demand in order to secure the home market; or, secondly, at a very great expense to prepare a distinct set of designs for the foreign trade; or, lastly, to run the risk of piracy and plagiarism at home. Such are the hardships to which your Petitioners are reduced by this most oppressive law, and which they feel the more keenly at this moment, when they are struggling with difficulties of no ordinary kind, to find employment for their people. The natural remedy for these evils, the most simple and the most effectual is, in the opinion of your Petitioners, an extension of the copyright from three to twelve months.

Wherefore your Petitioners humbly pray that the Bill now before your Honourable House may be passed into a Law,

And your Petitioners will ever pray.

# A TREATISE,

*&c. &c.*

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## CHAPTER I.

The Bill of last Session—Mr. Labouchere agrees to an extension to six months—Sir Robert Peel suggests a Committee—The two parties in the trade, original designers and copyists—A third party, honest but deceived—Argument on the ground of the *Home Trade* abandoned—Erroneous assertions regarding the *Foreign Trade* refuted—The danger of foreign competition, an argument *in favour* of extension rather than against it—No *new* law sought—No monopoly—And no injury to the public.

EARLY in the Session of Parliament 1840, my attention having for some time previously been directed to the imperfect state of the present law of copyright of designs for printed fabrics, and its insufficiency to realise the objects professed by the legislature in its enactment, I introduced a bill in the House of Commons to extend the time of protection from three months to twelve. Even on the necessarily imperfect statement of facts which I was enabled to lay before

the House in the circumscribed compass of a speech in debate, the Minister of Trade, Mr. Labouchere, admitted the necessity for an alteration in the present state of the law; but, alive to the importance of the question, and aware of the inadequate information which the public possessed upon the subject, he suggested, as a safe and cautious amendment, the enlargement, in the first instance, of the period of copyright from three months *to six*, instead of at once extending it to a year, as I had proposed. But as I felt confident in my own mind that the term which I had suggested (being a rational medium between a monopoly injurious to the public on the one hand, and a mere nominal protection only delusive to the inventor on the other) was that best calculated to realize the intention of the legislature, of stimulating invention by protecting success, I was reluctant to adopt an expedient which I knew to be insufficient to accomplish the object I proposed.

Conscious at the same time that it only required a full acquaintance with the facts of the case to induce others to take the same view of it with myself, I at once acceded to a suggestion of Sir Robert Peel, that I should refer the whole subject to a select committee above stairs, with instructions from the House to examine persons practically experienced in the trade of calico printing, as to the deficiency of the existing law, and the most effectual means for its amendment. A committee was accordingly appointed, whose investigations extend over the greater part of the Session, from Februafy to the latter end of July,

and who closed their labours by reporting to the House their opinion *in favour of extension.*

The length of time consumed by the enquiry arose not only from the vast details of the subject itself, but from the fact of there being two parties concerned, with opposing views, both of whose statements and opinions it was essential fully and impartially to examine. There are two classes of persons engaged in the print trade in this country. The *first*, "few in numbers, but high in reputation, and the foremost in the race of competition," who design, or employ designers for themselves, aim at once at originality and excellence, and contribute, by their talents and their enterprize, to elevate the character of British art and British manufactures. The *second*, more numerous and less scrupulous, abstain from retaining designers of their own, but carry on their business by copying and pirating the designs of others, feeding the demands of their trade by fastening on every successful invention of the others so soon as it appears in the market, regardless of the property of its proprietor, or the injury they inflict upon him. The former class are the petitioners for extension of the copyright and effectual protection for their designs—the latter are the active opponents of any further security being given, and even of all copyright whatsoever, which is, under any limitation, an obstruction to their peculiar pursuits, and a check upon their lawless trade. There is also a third section who have lent their aid to the opponents of the measure, but who are by no means to be identified with those with

whom they have incautiously allied themselves in resisting it — men who, from imperfect views of the interests of the manufacture at home, and most erroneous representations to its condition abroad, entertain vague but strong apprehensions of some injury, which they can neither clearly comprehend nor define, from foreign competition, in the event of any prompt preventive being applied to the prevalence of copying in England. To the sincere and conscientious opinions of such persons, especially when acting, as they avowedly do, in opposition to their own personal interest, every deferential and respectful consideration is manifestly due;—and it is not without a hope that with these gentlemen the facts which I shall presently have to communicate will have their natural influence, that I am induced to solicit their attention.

The voluminous body of evidence published by the committee contains a full development of the views of each of these contending parties; but still, extensive as are its details, they were, at the period of the closing of the committee, imperfect in some important points, respecting which it is one of my objects in the present volume to supply their deficiency; and widely erroneous in others, which I hope to be equally successful in correcting.

The arguments put forward by the opponents of the contemplated measure resolve themselves into two great heads—1st, as affecting THE HOME TRADE, —and 2nd, as regards the fear of FOREIGN COMPETITION. As to the former class, those who advanced them were themselves induced, before the close of the

investigation, to admit that they had over-estimated their importance, and that for the effects of extension upon the *home trade* they ceased to entertain any fear from the extension of the copyright. But as regards the *foreign* trade, the difficulty suggested by them, supposing it to be just, was not to be disposed of by any counter-evidence immediately at hand. Some gentlemen, who had, immediately before, made a visit to the Continent with an express view to ascertain the condition of calico printing in the various countries in which it is practised, made reports to the committee of what they had seen and heard in Belgium and Prussia, the two great points whence competition was to be apprehended, which, although it was difficult to reconcile their statements with what was already known of the state of the trade in these countries, there did not exist the means, at the moment, to test as to their accuracy, or to expose in their errors.

And here I would observe, that even had all these statements been incapable of refutation, and did they faithfully exhibit the full extent of the competition to be expected from abroad, they would not have altered in the slightest degree my views as to the course to be pursued for ensuring the prosperity of the trade at home. But it is possible, that with others their arguments and assertions, however fallacious and incorrect, may have made a different impression, of which it is desirable to disabuse them. In regarding the effect of a perfect law of copyright, I do not stop short at the early stage which discovers in it merely a moderate remuneration for the enter-

prize of a successful man of talent; but I recognize in the wise policy which thus assures to genius the reward of its own inventions, the grand and only means of communicating a genuine impetus to the career of national improvement, and the onward march of national manufactures. And it would not be, at a moment when it had been demonstrated to me that we had most to dread from foreign competition, that I would relax in my exertions to obtain, what I believe, to be the most unerring stimulant to domestic improvement. The more rapid the advancement of our rivals, and the more formidable their threatened attack, the more vigorous should be our exertions to complete our means of defence at home, and place ourselves in an attitude of successful resistance.

Such would have been my argument had the full case of foreign competition been corroborated and sustained in each, and in all its details; but others may have taken a different though an erroneous view, and I have seen reason to rejoice, that, yielding to the necessity imposed upon me by the lateness of the period at which the committee reported, and the impossibility of carrying a bill through all its stages in the brief remnant of the session before the rising of the House, I determined to suspend my proceeding till its re-assembling, and thus give time to the public to examine and weigh for themselves the information that had been amassed. During this interval, in the course of an excursion to the Continent, undertaken with a view to understand the commercial position of the

Prussian League as regards its machinery and manufactures, I have been able to take Belgium in my way to Germany; and thus visiting every State in which printed calicoes are produced, I have, on the spot, taken the trouble at the same time, of verifying the statements made before the committee on the copyright of designs,—and, exhibiting to the parties themselves, the assertions which have been published by the House respecting them, their works, their cost of production, their prices, and the extent of their trade; I have obtained from the very individuals named by the various witnesses, corrections under their own hand, and documents written by themselves, explanatory of their real position as regards a competition with Great Britain.

The nature of the information I have thus obtained, it is necessary for me to premise, is calculated in every particular to utterly explode the idea of any thing formidable to be apprehended from the rivalry of these countries with the printers of England. And the exposition which I am thus enabled to offer respecting them, must have its natural weight with that respectable class to whom I have already alluded, whose opposition to the amendment of the law springs from no unworthy motive, but from a conscientious and disinterested alarm, excited by the false and delusive representations of others.

I am likewise anxious for the information of those whose attention has not yet been directed fully to the subject, to present in as condensed a form as possible, such information as is essential to a distinct compre-

hension of the subject and arguments brought to bear upon it;—the origin and nature of the copyright sought—the state of the trade as affected by the imperfection of the law—its influence upon the art of design as applied to manufacture—the advantages sought to be obtained by their amendment—as well as the possible injuries which suggest themselves to the apprehensions of those who have hitherto opposed it. These I shall endeavour to sum up with as much impartiality as is at the command of one, whose own investigations have led him to a distinct conclusion in his own mind upon the subject.

And here, on the very threshold, I would distinctly disclaim all intention to introduce any *new* law or any *new principle* into the existing law;—the principle I wish to see carried into effect, has been recognised by the legislature and embodied in a law passed half a century back, which the progress of events has rendered inoperative for its own purpose, and to which it is my desire to give its legitimate force and effect.

Again—I seek to give no conceivable advantage to any one individual to the prejudice or exclusion of all his competitors. In a branch of industrial art in which each professes to produce the creations of his own invention, adjusted to suit the tastes and demands of the moment, the intention of a law of copyright, is to hold out to ALL the same stimulant to aspire after excellence, by securing to *any one* who may claim it the same reward for his enterprize, and the undisturbed and inviolate enjoyment of the reasonable profits of his own labour.

Nor is the reward to be levied at the expense or to the injury of the public,—in full accordance with the principle, that the fruits of all individual improvement should ultimately go to swell the aggregate of general advantage, the law assigns to the original discoverer, inventor, or designer, an exclusive property in his own creations, during such a limited time only as may suffice to remunerate him in his enterprize and his expenditure; the reversion in every instance being secured to the public, and the expiration of a brief copyright being the signal for all competitors to share in the profits of its re-production.

The question at issue then is, not whether there shall be a copyright or not, for that has been decided in the affirmative by Parliament fifty years ago, but to fix on such a natural and rational term for the duration of the protection, as, whilst it secures the public from the effects of monopoly, may at the same time supply to the artist and the manufacturer, an incentive to exertion in the reasonable remuneration of his efforts. This is a question which it is impossible to determine, arbitrarily or theoretically, but upon a calm and careful investigation into the local circumstances of the manufacture, and its relation with the general welfare of trade, not only at home, but as affecting our competition with those who are our rivals in the same production abroad.

# CHAPTER II.

## STATE OF THE LAW OF COPYRIGHT IN OTHER COUNTRIES AND IN ENGLAND.

### *Sect.* I.—*France.*

THE French, in every department of Art as applied to manufactures, stand pre-eminently at the head of all the nations of the world. In FRANCE the law of copyright for the protection of designs is the most comprehensive and effectual in Europe, giving the artist an exclusive property in the profits of his own inventions for THREE, FIVE, OR FIFTEEN YEARS, and even if he desired it, for life. If the latter circumstance be not the cause of the former; if the fostering influence of the copyright be not the foundation of their superiority in all the walks of taste, it at least proves this, that the most liberal legislation upon the subject is perfectly compatible with the highest excellence in the manufacture, and the utmost prosperity in the trade.

"A century ago,"* says Mr. Thomson, of Primrose,

* *A Letter to the Right Hon. Sir Robt. Peel, Bart. on Copyright in Original Designs and Patterns for Printing.* By James Thomson, F.R.S., &c. &c. London, 1840, p. 6.

himself a distinguished calico printer,—"a century ago, in the year 1737, was passed the first act of the French government, for the protection of designs in manufactures. This act, and a subsequent one in 1744, had reference to the silk trade alone, and to the city of Lyons only, whence we may conclude, that at that day it was not only the chief seat, but perhaps the only one of the silk manufacture of France.

"Fifty years afterwards, July 14th, 1787, a decree of the royal council extended this protection to the whole silk manufacture of France, which in that interval had made considerable progress. The words of this decree are remarkable, and I shall beg leave to quote a part of it:—

"'THE KING in Council having caused to be laid before him the representations and memorials of the manufacturers of Tours and Lyons, respecting THE ATTACKS UPON THEIR PROPERTY, and the general interests of manufactures, by COPYING AND COUNTERFEITING DESIGNS, his Majesty recognizes that the superiority which the silk manufacture of his kingdom has acquired, is principally due to the invention, correctness, and good taste of designs; AND THAT THE EMULATION WHICH ANIMATES THE MANUFACTURERS AND DESIGNERS WILL BE ANNIHILATED, IF THEY WERE NOT ASSURED OF REAPING THE FRUITS OF THEIR LABOURS—that this certainty, in accordance with the rights of property, has maintained this manufacture to the present time, and secured for it A PREFERENCE IN FOREIGN COUNTRIES.'

"Then follow the regulations, in eight articles, establishing a copyright in fabrics of silk of various descriptions, of FIFTEEN YEARS, for such as are destined for the hangings and ornaments of churches; and of SIX years for all those intended for dress, or other uses. Heavy fines are imposed upon workmen and upon designers for selling the patterns entrusted to them, or copying them for others; *and a registration of patterns is also established* for the first time. In 1793 the French legislature extended the provisions of the act of 1787 TO ALL THE DIFFERENT PRODUCTS OF INDUSTRIAL ART, formally including in the list of those entitled to the benefits of this now general law, *designers*, without any distinction of kind whatever.

"In 1806, the French legislature continued their labours, and established, for the settlement of disputes relating to manufactures, those tribunals called *Conseils de Prud'hommes*, to which were especially referred all questions of infringement of copyright. The duration of copyright in designs, was also specially fixed by this important act, making it *at the will of the manufacturer*, either *one*, *three*, or *five* years, or *in perpetuity*. The promulgation of the penal code in 1810, added something to the law; and lastly an ordonnance of Charles the Tenth, in 1825, relative chiefly to the depots for registration, completed the legislation on this subject.

"France has reaped the advantage of her system; and the soundness of her views, and the correctness of her means, are fully proved by the results, which

have placed her, as regards industrial art, at the head of all the nations of Europe, in taste, elegance, and refinement."

*Sect.* II.—*Belgium, Germany, and the United States.*

In BELGIUM the same law of copyright in designs prevails as in France, the entire code, with all its accessories of registration and tribunals of *Prud'hommes*, having been extended to it by Napoleon in 1810, during its occupation as a department of the empire, and continued and enforced by every government since. The following passage from the constitution of the *Conseil de Prud'hommes*, at Ghent, will sufficiently explain the nature of the copyright law, whose enforcement is confided to them.

*Sect.* III.—*De la conservation de la propriété des dessins.*

XIV.—Le conseil de Prud'hommes est chargé des mesures conservatrices de la propriété des dessins.

XV.—Tout fabricant qui voudra pouvoir revendiquer par la suite devant le tribunal de commerce, la propriété d'un dessin de son invention, sera tenu d'en deposer aux archives du conseil de Prud'hommes, un échantillon plié sous envelloppe revêtus de ses cachet et signature, sur laquelle sera également apposé le cachet du Conseil de Prud'hommes.

XVI.—Les depots de dessins seront inscrits sur un régistre tenu *ad hoc* par le conseil de Prud'hommes,

lequel délivrera aux fabricans un certificat rappellant le numero d'ordre du paquet déposé, et constatant la date du depot.

XVII.—En cas de la contestation entre deux ou plusieurs fabricans sur la propriété d'un dessin le Conseil de Prud'hommes procédera a l'ouverture des paquets qui auront été déposés par les parties; il fournira un cértificat indiquant le nom du fabricant qui aura la priorité de date.

XVIII.—EN DÉPOSANT SON ÉCHANTILLON, LE FABRICANT DÉCLARERA S'IL ENTEND SE RÉSERVER LA PROPRIÉTÉ EXCLUSIVE PENDANT UNE, TROIS OU CINQ ANNÉES, OU À PERPETUITÉ: IL SERA TENU NOTE DE CETTE DECLARATION.

XIX.—En déposant son échantillon, le fabricant acquittera entre les mains du receveur de la commune une indemnité qui sera reglée par le Conseil de Prud' hommes, *et ne pourra excéder un franc pour chacune des années pendant lesquelles il voudra conserver la propriété exclusive de son dessin, et sera de dix francs pour la propriété perpetuelle.**

Throughout the states of THE PRUSSIAN COMMERCIAL LEAGUE there is as yet no uniform legislation upon the subject. In Saxony no law of copyright exists; and in Prussia the protection which is nominally given is found in practice to be imperfect and inoperative. But in every country of Germany I

* RECEUIL des Lois, Décrets Impériaux et Arrêtés concernant les attributions du CONSEIL DE PRUD'HOMMES établi a Gand, en vertu du décret impérial du 28 Août 1810. A GAND, chez F. et E. Gyselynck.

have found the strongest desire to have one general system enacted, applicable to every state comprised in the Zoll-verein; and at this very moment the authorities at Berlin are occupied with the subject, with a view to the adoption of measures for the effectual protection and encouragement of the art of design for every branch of manufacture.

In the UNITED STATES it is stated that no law of copyright exists, and the art of design is greatly neglected, exhibiting cultivation in medium goods alone, all superior articles being copied from the French, and even for these they are obliged, "wherever art is required, to employ English, Irish, or Scotch workmen." *

### *Sect.* 3.—*Great Britain.*

The original seat of calico-printing (which was only introduced into ENGLAND about the close of the 17th century) was at London and on the banks of the Thames in its vicinity, where it continued to flourish so long as it was a mere manual operation, dependent for its excellence upon the taste and dexterity of the workman. But when by degrees its processes became simplified and production facilitated by the application of machinery to that which had formerly been effected by the hand alone, the great mass of the trade was transplanted about 60 years ago into Lancashire, the locality in which fuel and labour were to be found in the greatest abundance,

* See Mr. Royle's evidence in the Report of the Commons on Copyright of Designs: Questions 6481, 6506.

and where the inventions of Watt and Arkwright opened a new era, and gave a new complexion to the whole system of manufacture. The printers of London were then the most eminent in the kingdom for the good taste and elaborate finish of their designs; and the productions of that early period are still looked upon as those of "the old masters of the English school of design in calico-printing." But as the avowed object of the new colony which had sprung up in Lancashire was *cheapness of production*, not beauty of design, they at once commenced a system of indiscriminate piracy upon the new inventions of their London competitors, and hence the origin of the law of copyright in England. "I have been informed," says the same excellent authority which I have already quoted,* "by the late Jonathan Peel, Esq. of Accrington House, who was deeply engaged in this industry, and with whom I was myself in after-life associated in business, that such was the incredible activity and despatch with which the productions of the London printers were copied in Lancashire, and poured back into the London market, that they were driven to seek the protection of the legislature against this ruinous piracy; when, after several acts renewed and amended, a copyright of three months was in 1794 finally and permanently

* *A Letter to the Vice-President of the Board of Trade, on Protection to Original Designs and Patterns.* By James Thomson, F.R.S., *Vice-President of the Manchester School of Design, and Member of Council of the Government School at Somerset House.* Clitheroe, 1840, p. 3.

established. Thus was given for the first time "THE RIGHTS OF PROPERTY" to original patterns and designs, which, being like the husbandman's spade, the product of labour, skill, and capital, ought to have been equally sacred and secure. The town printer, by this law, was protected, in his own market, during three months of the principal demand in spring, and a corresponding period of autumn. It secured him against the ruinous depredations of unchecked piracy, but it did not give to him the full enjoyment of his OWN; and he had often the mortification of seeing the most successful of his patterns most in demand long after the protection had expired, and affording profits to his servile copyist, when, by such competition, he had ceased to receive profit from it himself. Under such protection, however, imperfect as it was, the trade flourished; nor did the printers of Lancashire, in consequence of the new law, fall back, as was predicted; but, guided by the more refined and cultivated taste of their London rivals, they continued to prosper, till, under the circumstances of a singularly favourable locality, affording cheap labour, cheap fuel, water-power, and conveyance to every part of the globe, they finally absorbed nearly the whole trade of London. One small remnant, and that the choicest, still exists, sheltered only by superior taste and fancy. It was never pretended, at that day, that the trade would be driven abroad if one portion of it were not allowed to pilfer the other; and the school of *piratical*-economy was not then founded, which has since arisen, building its tenets

on the practice of the pirates of Manchester and Glasgow."

The first law for creating and protecting a property in designs for woven fabrics, by conferring a copyright in this country, was passed in the year 1787, (27 Geo. 3. c. 38.) and secured to the original inventor the sole right of printing and reprinting a new and original design for the term of two months. This Act, which was but for one year, was continued in force by the 29th Geo. 3. c. 19. and subsequently, by the 34 Geo. 3. c. 23. its operation was made perpetual, and the term of protection extended to three months, at which limit it has continued to the present time.

The provisions of these Acts, which did not extend to Ireland, applied to linen and cotton fabrics alone, being the only description of woven goods then printed, and did not include silks, woollens, or mixed fabrics, to which the process had not then been applied as a branch of trade in this country, and which, notwithstanding their having subsequently grown into a manufacture of great importance, had no protection whatsoever till the passing of two Acts in 1839, introduced by Lord Sydenham, then President of the Board of Trade, viz. the 2 Vict. c. 13, and 2 Vict. c. 17. By the former of these, the same term of protection of three months was given to printed designs upon animal substances, which had before been given to the vegetable, and the law was made applicable to Ireland; and by the other a copyright of twelve months was given to woven designs upon any textile

fabric, except lace and cottons, and a system of registration was established for the enrollment and identification of designs.

It was originally proposed to the calico printers by Lord Sydenham, to give to all *printed* designs, upon whatsoever fabrics, whether of silk or cotton, the same protection of twelve months, provided they submitted to the same process of registration; but the amount of printed designs being much more extensive in point of number of patterns compared with those which are woven and are formed in the loom, the calico printers, apprehensive of the expense of registering each design at the high rate of fees then contemplated, and the system appearing to them objectionable from the deposits being open to public inspection, as well as from other grounds of apprehension, in the details, deemed it more prudent to decline the proposal for the moment, and to remain as they were, with a three months' copyright, till the operation of the registration system could be fairly tested, and its objections, so far as practicable, removed.

The law, therefore, as it at present stands, exhibits a discrepancy of nine months between the protection extended to woven designs, upon silks and woollen fabrics, as compared with printed designs upon these and linen or cotton,—*and even between the same design when woven and when printed; and as it frequently happens that the identical figure is both woven into and printed upon the same piece of cloth, the inventor has for it in the one case a copyright for twelve months, and in the other for only three!* and this too

whilst printed designs being more easy of imitation than *woven*, require the more prompt and effectual security against it.

For this distinction the only reason which has been offered is, the circumstance already alluded to, of the calico printers having originally, from objections to the mode of registration as then proposed, considered it prudent to decline accepting a twelvemonth's protection, if coupled with the condition of submitting to registration along with it. But as the objections which they then entertained have been already in part, and are at present in process of being altogether removed, they now seek to be admitted to the same protection with the proprietors of woven designs upon silks and wollens, as they are prepared to accept it upon the same conditions with a modified system of registration.

It is in fact somewhat remarkable that calico printing, one of the most important branches of British art, and giving employment to a greater number of designers than all the others conjoined, should have the shortest term of protection allotted to it of any in the entire range, and that whilst literary property, a farce or even a *ballad*, have a copyright of twenty-eight years, and musical compositions, a song or a *waltz* enjoy the same, the only protection extended to the artist on whom one of the main arms of our manufactures rests for its favour with the world, is the trifling and insecure one of three months! An engraving, a caricature, a common map or a chart becomes the exclusive property of its author for twenty-

eight years; a model in stone, or a cast in plaster of Paris, for half that period; a design for or-molu castings, a spoon or candlestick, endures to its inventor for twelve months, but a design for the decoration of a dress, is the property of the artist for but twelve weeks if he *prints* it upon his cloth, though if he prefer to *weave* it into it, he may claim twelve months. Surely there is impolicy as well as injustice in this groundless distinction.

### *Sect.* 4.—*The Remedy at Law.*

Under these Statutes the remedies for infringement of copyright were, by the several Acts of Geo. 3, the retrospective one of an action on the case for damages, (a course which has been resorted to only in one instance for fifty years,) and the prospective one of an application to the Court of Chancery for an injunction to restrain a copyist from proceeding to vend his imitations of a pirated design. To these, by the last Act of Lord Sydenham, was added a summary remedy for the protection of the peculiar fabrics included under its provisions, before two magistrates, and the power to amerce an offender in any sum from 5*l.* to 20*l.*

The proceeding by injunction has been complained of on the grounds of the heavy costs which it entails both upon the injured party seeking redress, and upon an innocent party who may be vexatiously dragged into court by its instrumentality. At the same time the cost of an injunction in a case of piracy cannot be greater than in any analogous

question of right, and no one case has ever occurred in which it has been vexatiously or oppressively resorted to, whilst it has been found most prompt and effectual for the protection of the copyright; and that it would be resorted to much more frequently by the trade, were it not that *the term of protection is now so brief, that it is not worth the while of the injured party to seek redress before so high a tribunal, as in many cases the right which he desires to have protected would have expired almost as soon as the remedy could be applied.* From the same feeling of the insignificance of the present protection, many parties have also declared their unwillingness even to take the trouble to protect themselves, by stamping their names upon these goods as the Act directs, or to avail themselves of the existing law at all, who would do so if the term was extended to twelve months.

On the other hand, the remedy under Lord Sydenham's Act by the adjudication of two justices of the peace has been questioned as to its efficacy, from the possible local predilections or personal interests of the magistrates, and some other tribunals have been suggested as preferable; but that enactment has not yet had a sufficient trial, and my business at present is rather to exhibit the inadequacy of the basis of the law —*a three months'* protection, than prematurely to suggest amendments in its machinery.

## CHAPTER III.

VALUE OF DESIGNS FOR CALICO PRINTING;—AND THE NATURE OF THE INJURY INFLICTED BY PIRACY.

### *Sect.* 1.—*Mode of preparing Designs.*

Designs for calico printing are supplied from two sources; being furnished either by designers in the constant employment of one house, and working for it exclusively;—or by persons who have constituted their talents in this branch into a separate profession, and supply the trade generally with patterns of their own production. It is stated, that there are probably five hundred designers of both classes in Manchester and its immediate neighbourhood; but the employment of those working on their own account seems rather on the decline, as the printers have no adequate security or confidence that the patterns they purchase from them may not have been already disposed of to some other house. Patterns of a particular class are sometimes furnished by the engravers themselves, which they bind themselves to sell to no other house in the trade, but of which the

purchaser is to have the sole and exclusive use for twelve months or a longer period. By this practice those parties who resort to it, contrive indirectly to secure for themselves a virtual copyright for twelve months at least, in these "*engaged patterns*" as they are termed, inasmuch as it ties up the engraver or designer from furnishing copies of them to any rival house. No ill consequences have been attributed to this system, nor has it tended either to raise the prices of these patterns by creating monopoly in the hands of their proprietor, or to hold out any extra inducement to the copyist at home or abroad to assail them.

### *Sect 2.—Remarkable demand on the part of the Public for variety and novelty.*

The testimony of every witness examined by the Committee of the House of Commons, and the experience of the entire trade, tend to show that in the production of patterns for printed calicoes, novelty of conception, and constant variety of effect, are of equal importance with elegance and beauty of execution; and that a perpetual succession of designs is indispensable in order to meet the passion for novelty which prevails, not only in the home market, but in every country to which we export calicoes.

Mr. Kershaw,* in his enormous trade of nearly a million of pieces per annum, states, that he produces

* Evidence of Mr. Kershaw, 3650, 3651, 3670, 3754.

new designs every week, "week by week," and 'month by month;" and Mr. Lee,* a dealer of equal extent, confirms this statement by a similar account of the production of fresh varieties week after week, and frequently "within the week," in his own establishment, *the foreign trade* especially calling for a constant succession of novelty, and a printer being "seldom able to sell the same design a second time to the same individual." These observations apply chiefly, however, to medium goods, and those for export; those of a more costly character continuing somewhat longer in vogue, and undergoing less rapid changes in public favour, unless exhausted by extensive piracy, or vulgarised by unworthy copies.

It is remarkable that, with perhaps the single exception of the Orientals, this rage for novelty prevails in every country which either consumes or produces printed goods. Its inconveniences are, however, chiefly felt by those countries which have but a circumscribed market for the disposal of their productions; even in England and in France it cannot fail to exercise an influence upon the prices of printed calicoes, and upon the profits of the manufacturer; but in Saxony, and some other countries of Germany, it was complained of to me as a serious check to the advancement of their trade, that, selling, as they do perpetually, to the same narrow circle of consumers, a fresh series of designs and styles was constantly

* Evidence of Mr. Lee, 4452, 4456-7, 5060, 5133, 5135, 463 Mr. Ross, 6036-7-8, 613, 614.

demanded, before the consumption of the first could sufficiently remunerate the producer.

To a moderate extent this passion for novelty is easily accounted for, but it exists in the print trade to an excess, which to one not personally acquainted with the economy of the manufacture would be scarcely credible; even excellence itself is not sufficient security for the permanence of public estimation, as articles of the purest taste, and most faultless execution, are found to yield in favour when brought into competition with those of inferior merit, but endowed with the charm of more recent publication.

Under a sound system of the copyright law, and in a healthy state of the trade, this predilection for variety on the part of the public, if limited within rational bounds, could not fail to prove favourable to the progress of art, and to give a powerful impetus to the advancement of design; but it is one of the crying evils of the present imperfect state of the law that even this, which might be looked to as one of the great fountains of improvement, is, by the vicious influence of the existing state of things, converted into an active agent of deterioration. Parties who despair of a successful competition in the walks of taste and beauty, are, nevertheless, quite competent to engage in a contest of mere variety, and those who fail to charm by the purity and elegance of their conceptions, undertake boldly to startle and seduce by the novelty of their conceits; whilst the eye of the public, uneducated by habitual association with the productions of genius, is easily fixed by the tinsel

of fancy. It is true that in this encounter between taste and fashion, the former, if left to defend herself by her own arms, would not fail to be ultimately victorious; but it is the peculiar injustice of the existing system that it encourages her rival in treacherously turning her own weapons against herself, the artist and his employers being effectually discouraged from the production of elaborate efforts, which are instantly to be laid hold on by the copyist to carry on his own contest with their original inventor. Genuine taste, were her offspring duly protected from violation and disfigurement, would maintain such a succession of objects of legitimate beauty perpetually before the contemplation of the public, as would in the end awaken them to a sense of her superiority, and finally vindicate her own ascendancy over the vapid reign of fashion. But under the present regime true taste is postponed for mere variety—it occupies but a secondary place, and the character of our national productions, with which it is identified, sinks along with it.

### *Sect.* 3.—*Cost of Engraving and Block-cutting.*

The general custom is to select from the entire mass of designs, either furnished by artists in regular employment, or purchased from others, (and which for some establishments amount to some thousands,) so many as promise to be successful in the market; and in estimating the annual expenses of production, the cost of those rejected, and on which equal ex-

pense and care may have been bestowed, must of course enter as an element into the calculation of the value of those adopted and engraved. The proportion between those chosen and those set aside, as stated in the evidence taken, is from one-fifth to one-tenth of the entire number drawn.

But, as even the most experienced judgment cannot, from the mere inspection of a pattern upon paper, form a correct decision, as to its precise appearance, when transferred to cloth,* and cannot possibly anticipate all the caprices of public taste on which the favourable reception of a pattern depends, it constantly occurs, that of the number, even of those selected designs, only a proportion attains a successful sale, the remainder either never being in demand at all, or only to such a limited extent as to be unremunerative to the producer.

Thus of five hundred patterns produced in one year by one house, one hundred alone were decidedly successful, and only fifty moderately so, the rest being failures.† And here again it must, of course, be on the sale of the successful that the printer must rely for compensation for the loss of those which fail; and if his property in these be not secured from infringement, the ruinous consequences to his entire trade must be sufficiently obvious.

As to the joint cost of designing, engraving and

* See Evidence, questions 2091, 2203, 1758, 1801, 8779, 1797, 1959, 2199.

† See Evidence of Mr. Potter, 120, 122, 2093, 2205, 812, 3282.

cutting, it is difficult to arrive at an accurate calculation, as it varies according to the economy and arrangements of different establishments; but from the evidence given by gentlemen examined by the committee, as to the expenses of their several houses in this particular, it appears that it amounts, on an average, to from 5*l.* to 10*l.* each for those employed for garment printing,—but for furniture prints the expense is much greater, averaging from 10*l.* to 35*l.* each, and many in both branches costing considerably higher than either of these relative estimates; whilst, for designing alone, apart from engraving, the expense is equally variable, and ranges from a few shillings to 20*l.* per pattern.

The preparation of designs and patterns for some establishments is stated to occupy nearly three months in each year; and the successful patterns which are the real product of that period may be copied by a pirate in a few weeks at a consequent saving of what is of equal value with money, its equivalent, *time*.

Taking the expenses of designing alone, the cost of a single pattern, if spread over the entire extent of its sale, would appear to be a very trifling element in the production of printed goods. By this means Mr. Kershaw* makes the cost of his designs, upon his vast production of 884,000 pieces, amount to but one halfpenny or three farthings per piece, and Mr. Ross to something above five-eighths of a penny. But this mode of estimating the real value of the design† must

* Evidence, questions 3623, 3627, 3646, 3648, 3867, 3657.

† Evidence of Mr. Kershaw, 4313, 4322, 4331.

necessarily be fallacious, as the cost of the pattern would appear *least* per piece upon those whose extended sale had proved their value by the test of public favour and approbation, whilst the cost of the unsuccessful would be augmented in the same ratio. Those who undervalue the merit of a design may be strongly suspected to have never known the labour and the anxiety of producing one, and like the harlot in the judgment of Solomon, would rather see it scorned and mutilated than secured to its natural parent.

### *Sect.* 4.—*The Value of a Design not to be estimated by its mere first Cost.*

But the real value of a design, that property in its exclusive use which it is the object of copyright to create and confirm, is by no means to be estimated by the actual outlay in wages upon its production, which may in some cases be a mere trifle in amount, whilst the merit of the idea, and the profit of its sale, may be of the highest class.*

It is, in fact, the simple and inartificial designs which are in general the most successful with the public, requiring at once the least labour and expense to invent and the least possible cost to copy them. One pattern, known in the trade by the name of the "Diorama," was produced by an accident, and at no cost whatever for designing, and yet sold to the ex-

* Evidence of Mr. Lee, 5109, *et seq.* 5115, 5122.

tent of 25,000 pieces in one day.* Another, known as "Lane's Net," consisting of a very simple arrangement of right lines, was equally a favourite with the public. A simple figure upon a pattern for neckcloths which cost but a few pence to invent, and a few shillings to engrave, and might be copied for 2*l.*, was so successful that the proprietor states it in his estimation to have been worth to him from 200*l.* to 300*l.* A popular class of productions, known in the trade by the name of "Excentrics," are produced by a machine combining a peculiar adaption of the excentric chuck, with Bate's process for engraving fac-similes of bas reliefs, which at once delineates the device and perfects the engraving at a trifling expense.† Some houses likewise publish no designs except those apparently of the most simple and inelaborate kind; but these are conceived and applied with so much skill and judgment, the result of long study of the public taste, that the inventors have established a peculiar reputation for their production, and obtain a more extensive sale, and of course a greater amount of remuneration in consequence.

In all cases the design, like the handwriting of an individual, invariably exhibits some feature peculiar to its author, and participates in the general character of the taste which pervades the productions of his house; so that the invasion of his copyright, by the piratical imitation of his works, is not merely an appropriation of that which has cost him a certain por-

* Evidence, questions 795, 817, 4325, 5113, 5115, 4324, 4323.

† Evidence of Mr. J. Lockett, 634, 6876.

tion of his capital to provide, but it is in some degree a trading under his firm, and a gratuitous participation by a stranger in the profits of that reputation which has cost him years of study and labour to acquire and to establish for himself.

### *Sect. 5.—The Nature of the Injury inflicted by Piracy upon the original Producer.*

But in addition to this, the piracy of his patterns is accompanied by many annoyances to the inventor, much more serious than the mere loss of a portion of his time and capital,* inasmuch as it interrupts and and deranges the entire economy of his business, driving him to produce fresh designs at a moment when he calculated on the consumption of those wrested from him,—impeding and sometimes altogether destroying the demand for those articles on whose sale he relied to meet his payments, — and undermining the confidence of his customers in his house by having imitations of his goods thrown into the market at lower prices than he had already supplied them; or those which were designed for the higher and wealthier classes of consumers vulgarised and deteriorated in value by the multiplication of coarse imitations, and by their application to inferior purposes.†

* Evidence, 1729, 4337.

† 1080, 1827, 1833, 2103, 8, 238, 3454, 2568, 4348, 6958, 238, 1082, 8490. *See* Stirling, 3321, 948, 5381, to 5585.

### *Sect. 6.—Inducements held out to the Copyist.*

The saving of the mere first cost of the design is in reality one of the least inducements to the copyist to invade the property of the original inventors.* He selects, for this purpose, not the doubtful or untested patterns of the house, but the successful, and those which have already acquired a firm footing in the market, so that he gets rid of all possible risk of failure in the speculation, which the inventor must encounter; nor has he, as in his case, to load the price at which he offers the successful patterns with the cost of those which fail to sell.† In addition to this, his charges for engraving, both directly and indirectly, are less:‡ directly, as he saves all expense and loss of time in making out and adopting the sketch to scale before transferring it to the block or the cylinder, (a process which may cost the original proprietor hours, or even days, of labour; the produce of which the copyist can appropriate in a few minutes, by the use of a sheet of tracing paper); and indirectly, as he has to charge each pattern merely with the expense of its own engraving, totally irrespective of those originally produced along with it, but which have never sold in the market. The pirate has, besides, no trouble

* 3404, 4337. See Kershaw, 4334, et seq. 123, 316, 235, 239.

† 2338.

‡ 126, 235, 2340-3, 2358, 2577, 313, 3416, 3430-2. Lee, 4586-8, 126.

in previously trying the effects of a design in different combinations of colours, experiments on which are made by the inventor, whilst the copyist profits by the results.* He has no cost for the design, which he unjustly appropriates;† and, by working on inferior cloth, with inferior execution, and occasionally using fugitive colours in the copy where there were fast in the original, (but at the same time with such expertness as that, in some instances, the copy cannot be detected when apart from the original‡), he is enabled to offer his imitations at such a reduction of price, as at once to diminish the value and interrupt the sale of the pirated pattern: and as he comes into the market at the moment when the exertions of the original producer have created a demand for his commodity, he has not only a lucrative speculation, but an immediate return for his capital invested.§

These statements, however, as to the effects of copying upon the original publisher, as well as the profits attainable by the pirate, have been questioned by some of those gentlemen who are opposed to the extension of the protection beyond three months. Some of the witnesses examined by the committee, such as Mr. Lee and Mr. Kershaw,‖ declare that

* 812, 2892, 314, 18, 452.

† 126, 235, 832, 1840, 132, 238, 945, 1015, 1050, 1087, 1337, 3339, 1808, 133, 1143, 1200, 1339, 3187, 3750, 238, 242.

‡ So attested by Mr. Wickling, himself a draper (3187).

§ 449, 1605, 309, 1827.

‖ Kershaw, 3741, 3749. Lee, 4451, 4465, 3736.

although copied themselves, it inflicts no injury upon them! or, at least, only to a very slight extent, as they, *from the extent of their sales,* can produce as cheap as the copyist; who has therefore no advantage, unless he can force a market for himself where their goods cannot penetrate; *but it is evident that this mode of self-defence, arising from the great extent of their business, cannot be available to houses of more circumscribed connexions.* Some go so far as even to declare it a positive gain; and one gentleman, Mr. John Brooks, a magistrate and borough-reeve of Manchester, states, that so far from an injury, he conceives it to be an advantage to his house to have their patterns copied, as "it exalts his name with the public;"* and he even offered 100*l.* to an eminent house to copy one of his patterns, inasmuch as he would have published the circumstance, and "would have been thought a first-rate house when such people copied him." This is a doctrine, however, which has not been subscribed to by any other witness, with the single exception of Mr. Kershaw,† who reiterates the same opinion, but couples with it an important fact, that *of the patterns in which he had been so copied, and in which he felt it no hardship to be so, he had sold from* 6,000 *to* 7,000 *copies,* 300 *to* 500 *of which would alone have remunerated him for all outlay.*‡ From a statement such as this no inference can be drawn as to the injury inflicted by the system on men of smaller capital, and whose

* 683-5, 810. † 2114, 3739.

‡ 3736 and 3881, 4410, 5075, 4416, 4306.

more limited sales places it out of their power to rest contented with equally minute profits upon each design. Common sense, indeed, is sufficient in itself to expose the fallacy of such an opinion. Could it be for the advantage of agriculture, that every farmer, after three days' reaping, should throw open his fields to the gleaners.* "Who will plough and sow to reap but a tithe of his field? Who will plant a tree if another is to carry off the fruit? A tenant may repair his roof to shelter himself from the storm, but who will *adorn* his house to be ejected at quarter-day? What calico printer will make hazardous and expensive provisions for the public taste, when the failure is to be wholly his own, and the success to be divided with others?"†

* Mr. Applegath's evidence, 3056.

† Mr. Thomson's Letter to the Vice-President of the Board of Trade, p. 7.

## CHAPTER IV.

### PREVALENCY OF PIRACY, AND ITS RUINOUS EFFECTS UPON TRADE.

*Section* 1.—*Injury inflicted upon Individuals.*

THE result of these inducements and facilities to invade the copyright of others, and the practical impunity with which it can be successfully attempted, has been, that copying and piracy, both within the term of three months, and during the profitable period of sale which immediately succeeds the expiration of that term, prevail to an extent in this kingdom, at once highly detrimental to the interests of the original producer at home, and prejudicial to the character of British goods abroad.*

Mr. Brooks, in the course of his evidence,† avows

* Schwabe, 111, 128, 821, 8390, 1080, 1336, 6055. Potter, 325, 390, 431, 1471, 1583-8, 1589. Schuster, 1051-2, 1286, 1393. Brooke, 1806-9, 1818-19, 1861, 2, 1904, 1928. Clarkson, 2094-5, 2012, 2116-17-18-19-20. Warwick, 2297, 2298, 2444, 2459, 2464, 2471, 2481, 2531. Applegath, 2878, 2898, 2912-15, 2972, 3014-15 3016-17. Stirling, 3282, 3307-11, 3313, 3332, 3334-7, 3345, 3351, 3419, 3462, 3467, 3481-2-3, 3520, 3539-41, 3557-8. Ross, 6343, 6352. J. Lockett, 6945-7.

† 821 to 833, 886 to 913, 777, 1021, 833, 908, 778, 892, 574, 914, 915, 906, 1175-6-7, 1662.

that he has himself been a most extensive copyist of other men's designs, though less within the last eight or ten years than formerly; that he did just as many as answered his purpose, "and he thinks a fair quantity he did," within the existence of the copyright, as well as after its expiration, sometimes with loss, but most generally with profit to himself, though with injury to those whose property he appropriated; and that he generally printed his copies upon such inferior cloth, as to enable him to ask a lower price than the original producer, and yet "leave himself a good profit and plenty of room to slip under;" that he has been occasionally remonstrated with by the injured parties, but never proceeded against; and that he took, in every instance, the precaution of publishing those *copies* as the Act directs, *in order to assert a claim of copyright in them for himself as original designs of his own!* and, if proceeded against for damages, he would have defended the action, though aware he was in the wrong, and relied on the strength of his purse to defeat his opponent. For the last eight or ten years, however, he has given up the practice, having copied only eight or ten patterns during that time, because he finds *he can make more money by producing originals.*

As an instance of the extent of copying in the foreign trade, the following singular statement of Mr. Louis Lucas may suffice:*

"5695-6-7. *Chairman.*—Are you a calico printer?

* 5995 to 6003, et seq.

—No, I am a merchant, of the firm of Micholls, Lucas and Co., New Wood-street-mews, extensive dealers in printed calicoes for foreign export.

"6000. Are you in the habit of having goods printed expressly for yourselves from your own designs?—Yes, frequently, from what is exhibited to us; but this is the nature of our business. We are in the habit of receiving from abroad almost constantly, as the different packets arrive, patterns of prints suitable to those markets. We have a branch house at Manchester, and they are sent to it, and we endeavour to find such calico printers as will produce them at the cheapest rate.

"6001. Irrespective of who may be the proprietor or inventor of the pattern?—*We ask no questions upon that subject.* We say, 'This is a pattern received from abroad, and we want so many hundreds or so many thousands of them.'

"6002. And you pay no regard to the fact whether these patterns be under an existing copyright or under an expired copyright, or whose property they may be, provided you can have them executed at such a price as may suit the market?—*That consideration has never entered into our heads to ask that question.*

"6003. Price alone is the object with you?—Price alone is the question.

"6011. Do you purchase extensively printed goods? —We do; in the last six months our shipments must have been at least 60,000 pieces.

"6013. Are you aware there is a law giving a

copyright of three months to designs on printed goods?—I have heard so."

This gentleman thinks "nothing more destructive to the commerce of the country could have been suggested" than the extension of the copyright to twelve months, the effect of it being that he could *then* get no printer in Manchester to undertake one of his piratical orders. Now he can take a pattern round the trade till he finds who will do it cheapest, and he says, "such is the frailty of people," that if the original proprietor asks too much for printing it, he can always find a copyist who will undertake it on his own terms. Nor has he ever found any difficulty in getting his work done in Manchester "except the price." Mr. Lucas is opposed to all copyright, and thinks designs for calico printing too trifling to have a twelvemonth's protection. But to the present protection of three months he does not object, inasmuch as "*he never felt it*" *to be any protection at all!* and even under a twelvemonth's copyright "he should have no objection to buy pirated copies, provided the price suited him."*

Mr. E. Brooke, a printer of furniture calicoes, states, that piracy has been carried to such an extent in his business, that at one time "every pattern produced by his house" was copied by a rival establishment in Manchester.†

Mr. Clarkson, a gentleman in the same trade,

* 6013, 6026, 6031, 6016, 6021, 6035, 6041, 6078, 6174, 6166, 6145.

† 1904.

illustrates his loss from piracy by a circumstance detailed in his evidence, in which, having sold thirteen to fourteen of his best patterns to a private gentleman, he found they had been purchased for a copyist, who in two months reprinted the entire; and, as Mr. Clarkson "had a very large stock, he sustained a considerable loss, as the copies came out in large quantities, and inundated the trade." *

Mr. Warwick, an eminent publisher of the most expensive chalis, and printed goods of the highest class, relates a similar case, in which the entire of his designs, intended for the trade of the season, were copied in one batch by a rival house; the consequence he states to have been "ruinous to him, inasmuch as it perfectly paralysed his trade altogether." †

Mr. Stirling, ‡ connected with the house of William Henry, of Island Bridge, near Dublin, states, that his establishment has "*suffered to an extent*" *almost beyond telling* "by copies of his goods for export being made in Manchester," the best of his patterns being fastened on for that purpose, and his profit on the remainder destroyed in consequence. § In December, 1839, he delivered to one gentleman, Mr. Hosier, of London, seven hundred pieces of goods, consisting of eighty-three different patterns; and in the January following copies of the entire eighty-three were brought to the same gentleman by

* 2119, 2282.
† 2306, 8, 2357.
‡ 3282, 4.
§ 3310, 11.

a pirate, "pattern for pattern," worked on inferior cloth, and offered at twenty per cent. lower than Mr. Henry's house had sold them;* in consequence of which, Mr. Hosier declined to repeat an order for the goods, and he has never been able to sell him a single piece since. Not only so, but the sale of the articles in question has entirely ceased in every quarter, owing to the same circumstance. In another instance an order actually given to this house was cancelled in consequence of the merchant having immediately after giving it, seen copies of the same goods in Manchester of inferior quality.

Again, ten of Mr. Henry's patterns were exhibited to the Committee copied by the house of Lees, Kershaw & Co. in one batch;† and another instance in which Mr. Henry suffered from having his patterns copied by the same house, will be found detailed in Mr. Kershaw's own evidence, No. 4259 to 4300; and in two letters explanatory of the circumstance, one from Mr. Sidebottam, a partner in Mr. Kershaw's house, at page 507 of the evidence, and the other from Mr. Henry, in the Appendix. Mr. Stirling states generally, that from Mr. Henry's goods being eminently suited to the West India trade, they have been more extensively copied than those of any other house in the same trade,‡ and that his business is *almost at a stand in consequence, as he is never now able to effect a second sale of the same pattern, on*

* 3313 to 3326. † 3350, 2.

‡ See Mr. Barbour's Evidence, 3430, 3481, 3441, 3536.

*account of the profusion of copies in the market, and which are thrown in his teeth every hour he asks for an order.*

The entire of this system of piracy, it will be observed, is perpetrated not only within the three months after publication, and therefore in open defiance of the law, but it extends over a long period subsequent to the expiration of the copyright, thus shewing that for designs of superior merit the demand will continue not for three months only but for twelve months, and in many cases for years from the date of its publication. The original producer, therefore, in asking for a moderate extension of the present term, so far from seeking to exhaust the sale by a comprehensive monopoly, still leaves to the public and his competitors a large portion of time, during which a lucrative trade may be driven by others in reproducing his designs.

But on the other hand it may be urged, that if the copying complained of prevails within the term of three months, it is a direct offence which the Act has already provided against, that it is an infringement of the existing statute, to which any fresh enactment would be equally exposed, and that instead of passing a new law upon the subject it may be sufficient to assert the old. The answer to this I have already anticipated under a previous head—*it is not worth the while of the injured party to resort to the cost, trouble and delay, which are essential to vindicate his rights, for sake of the modicum of justice which it would procure him.* The entire term of protection, be it observed,

is but twelve or thirteen weeks; of these a pattern when published requires a few weeks to test its favour with the public, before its own success marks it out as a victim for the pirate; a few weeks more are requisite for the copyist to engrave and to print it; and a further period must still elapse before the proprietor is made aware of the aggression upon his property. If he then applies to the Court of Chancery for redress, a contest respecting his right cannot be brought to a decision before the whole term of three months shall have expired, and the pirate, whether the final decree be in his favour or against him, is left at full liberty to pursue his injurious trade. But were the term extended to twelve months, the value of the interest which a printer would thus be invested with, would create a vigour in its defence that would compel an aggressor to pause before he ventured to assail it. A man will resort to a court of justice to vindicate his right to five pounds, who would never dream of going to law for five shillings. As it is, "the *feebleness* of the protection is to be found in the *shortness* of its duration."

*Sect. 2.—Injury inflicted upon Art by Piracy—Sir David Wilkie's and Mr. Smirke's Designs lost to the Country.*

This prevalence of copying and piracy is most detrimental to the advancement of the manufacture in the improvement of design, and its cultivation as a branch of productive art; the printer being driven to

supply the place of those patterns which are taken from him by the pirate, by a constant production of novelty and variety, into which it is impracticable to infuse the proportion of talent which might otherwise be bestowed upon his designs had he adequate protection and leisure for their cultivation. In consequence, likewise, of the irritation and annoyance arising from this system of incessant and harassing aggression, the injured party feels discouraged and disheartened from exertion, till at length the apprehension of being copied becomes a permanent check to his going to any avoidable expense in the employment of a higher class of artists, thus operating to the prejudice of the art, as well as of the employment which would naturally be given to men of talent in design.

"I was strongly tempted, some years ago," says Mr. Thomson,* "to attempt a particular style in printed furniture, which it was my wish to execute with all the advantages a royal academician could give me in the designs, and the talent of Potts in the engraving. On conferring, however, with various individuals connected with the furniture trade, I was dissuaded from an attempt which held out no prospect but of loss. The outlay would have been great; the time required to introduce and sell the work considerable, and the copyright only three months; after which the whole host of copyists would have been let loose upon the patterns, for

* Letter to the Vice President of the Board of Trade, p. 14.

which, in all probability, they would have made previous preparation. No one could do justice to this style without incurring considerable loss, unless the protection by copyright was for *three years* at least."

Mr. Applegath, of Crayford in Kent,* has stated, in the course of his evidence before the committee, that owing to the insecurity which he feels in the present law, his business is one of perpetual anxiety and risk; that with every desire to advance the character of his productions by the introduction of art of a higher class, he is deterred from doing so; that he *abstains as much as possible from inventing new designs*, finding it safer "to make up patterns one with another, in order to baffle the copyist by variety," and "to make a trade by *it*, rather than by excellence;" that one department in which he is anxious to embark, and which is not at present practised in this country, is the printing of architectural ornaments for the decoration of rooms, and the imitations of tapestry and arabesques for panels and styles; that for this purpose he has been furnished with designs from the first artists of the day, Mr. Sidney Smirke, and his father, the eminent architect, having undertaken to make drawings for him, and Sir David Wilkie having offered him a set of designs for arabesques and medallions in panel, in imitation of the Italian interiors, but *"it was no use his troubling Sir David to forego his lucrative occupation*

* See his Evidence, Questions 2888, et seq.

*in order to make for him drawings which would be immediately copied.*" Into these new branches of production, and others, he would embark, if an adequate protection were given to him, by extending the term from three to twelve months; and for these he would "immediately employ artists of the first character," and in greater numbers than at present, a practice which he thinks would be universal, and thus give a higher character as well as a new direction to the current of taste in this country.

Under the present system, the English manufacturer is deterred from a legitimate and honourable competition to exalt and advance the character of the arts of design, because he finds neither encouragement, time, nor remuneration, to make an effort worthy of himself. *He has no encouragement*, so long as the vapid appetite of the public asks, not for something better than it had before, but for something different from what it had ever seen before; and he feels but little interest in his own inventions, which are only to serve the purpose of the moment, and then to pass away and be forgotten in the revolution of fresh novelties, the preparation of which leaves him *no time* to study the composition of something of a higher order than his last. Merit, in short, is of but little moment in a state of things where bad and good disappear alike at the end of three months, the bad by their own worthlessness, and the good from being rendered worthless by piracy. He has no *remuneration* for his labour and his outlay, so long as the copyist can appropriate his

works, and reproducing them at a lower price, undersell them in his own market.

Were the copyright code upon a sound basis, the entire body of manufacturers, instead of forming, as they now do, the two parties of producers and pirates, would become *all* original designers distinguished only by their relative abilities; and whilst the higher qualities of their productions would still command the higher price, the natural competition amongst the higher class of producers would effectually prevent that price from rising beyond a fair remunerative level. The distinctive excellence of their manufactures would then divide the body into the two sections of highest and inferior talent, and the latter, unable any longer to live upon the abilities of the former, would be spurred and stimulated into cultivating and relying upon their own. *At present there is actually a community of property in designs,* which confounds the most uneducated and the most cultivated genius in one indiscriminate body, confusing all grades of merit, and levelling all superiority of talent. In this position of the trade to devote extra pains to the composition of designs, is to incur cost and labour without remuneration or repute. Every calico printer knows, that whilst a few leading features will produce the general effect desired in any design, the elements that constitute elegance of finish and delicacy of beauty consist of a few minute details, the arrangement of a leaf, or the application of a colour more or less, things trifling in themselves, and perhaps imperceptible to an unskilled observer, but the use or the rejection of

which may create a sensible difference in the cost of production. In France, where taste is fostered and protected by the law, the artist can indulge with security in all these refinements, and confide in the appreciation of his purchasers to repay him for the extra cost of their introduction, conscious that his property in them is inviolable, and that no rival in the trade will meet him in the market with a mutilated imitation. But in England, it is a very different case;—here the artist is driven to consider whether he will gratify his own taste by their adoption, and leave it open to the copyist to undersell by omitting them; or, whether he will himself leave them out in the first instance, and thus baffle the pirate by the mutilation of his own conceptions. An eminent English calico printer, one whose talents have made for him an European reputation, told me a short time back, that for the first time in his life he has latterly found himself compelled to study *the cost* of his patterns in preference to their *beauty*, in order to protect himself from the close competition of his copyists; balancing what he can retrench and what omit, in order to reduce the price of the article a few shillings per piece.

The final result of such a system is obvious and inevitable,—if encouragement and protection be not speedily given to the art of design as applied to this branch of our national manufactures, we must be prepared to see its higher department engrossed undisputedly by the French and our rivals on the Continent, who will adopt the same expedient with them; and England must rest contented to supply only that

humble and homely class of goods whose recommendation is their lowness of price, arising from the superior machinery, skilled labour, and commercial relations of Great Britain. On the other hand, a very simple amendment in the law of copyright, not by altering its principle, but by extending its duration and realizing its promises, cannot fail to secure to us those higher branches which combine beauty with utility; and by thus enabling us to unite superiority of taste in designs with cheapness of production, confirm to us all the open and neutral markets of the world.

But not only has the defective state of the law retarded the advancement of art, as shewn by the evidence of Mr. Applegath and Mr. Thomson, but it has likewise caused an actual retrogression, according to Mr. Barbour,* an eminent export agent at Manchester, who distinctly states thst, "during the last few years, he has found a decided falling-off in the style of prints in Lancashire, and has had complaints to the same effect from his correspondents abroad; a decline which he attributes to the want of any stimulus being applied to the improvement of design, owing to the prevalence of copying, and the reproduction of the same patterns by different printers upon cloth of unequal quality, instead of producing two distinct classes of designs, each suited respectively to a superior and inferior class of goods. For the West India market he has latterly obtained better goods, both in

* 8390, 1712, 8441, 8513, 8425—6, 8396, 8430.

design and execution, from Mr. Henry, of Dublin; and as he paid a higher price for them, owing to their superiority in those particulars, they have of late been extensively copied in Lancashire."

This general decline of the art of design for calico printing dating from the period when copying and piracy became prevalent, is confirmed by Mr. Thomson also. "I have the good fortune," he says,* to possess a volume of drawings of this period, in which pattern-drawing is elevated to the dignity of fine art. The art of printing since that time has made gigantic strides, and is now one of the most beautiful and refined of the chemical arts. *The art of designing has at the same time retrograded*—we have no longer the Raymonds nor the Kilburns, and it is not difficult to foresee that the pattern-drawing of this country will ere long be transferred to France, unless by an extension of copyright, and the consequent increased employment of designers, the demand for talent should speedily produce it here."

In the mean time how very different is the condition of the designers of France, not from any peculiar system or any legislation different in principle from our own, but from extending to the artist, *in reality*, that protection which we only hold out to him in semblance. "So far from copyright, which may be considered as *unlimited*, or in perpetuity, in France, having depressed and injured the employment of designers there, it has imparted a stimulus which has raised

* Letter to Sir R. Peel, p. 17.

them *far above the condition of the same class o persons in this country*, whilst, as a natural consequence, it *has greatly increased their number and augmented their remuneration.* A talented designer in France receives 8,000 francs, and sometimes even 10,000 francs a-year; twice the sum paid to respectable talent in this country. In France designing is treated as a liberal art, and its professors as gentlemen; here, with some exceptions, it is degraded to a mechanical employment, and rated at weekly wages. Small as is the print trade of France compared with that of England, there are in Paris ten times the number of public drawers that are to be found in London or in Manchester; in fact a new species of industry has of late years arisen there, *the production of designs for exportation!* The demand is considerable, and is rapidly increasing. *Many of the principal houses in this country are regularly supplied with patterns from Paris, and some have designers there, wholly employed in their service.*"*

### *Sect.* 3.—*Copying injurious to the Character of British Goods abroad.*

Copying is also stated by those embarked in the trade, to be most injurious to the character of British prints abroad; as in goods suitable to both the home and foreign market, the best designs are retained for

* Letter to Sir R. Peel, p. 16.

the former, rather than forfeit the copyright by publishing them first for the latter. The practice also of using spurious colours and inferior workmanship in the copies, Mr. Schuster, an eminent export merchant, states *of his own knowledge*,* has had the effect of deterring foreigners from purchasing British goods, in which they are *exposed to deception* by taking the copy instead of the original, and drives them to purchase French articles in preference, in which from the efficiency of the copyright in France, and the habit and necessity imposed by it of every printer producing his own original patterns, they are not liable to any similar deception. It is obvious that this is an injury inflicted upon the reputation of British goods, the very temptation to which would be removed, under a system like that of France, in which, as each individual would produce his own designs, he would have every inducement to give a permanent character to his house, by publishing them with all the recommendations derivable from colours, cloth, and every other accessary.

### *Sect.* 4.—*The Prosperity of the Trade in no wise dependent on the Power to copy.*

In addition to these numerous statements as to the prevalence and injurious effects of copying, the system is alleged to be on the increase; though this is questioned by some of the persons examined, who state

* 263, 1457-8, 1458-9, 1466, 1469, 1143, 1200, 1339, 1088-90 1114, 1145, 1152, 1111, 1115, 1156.

that it is rather on the decline than otherwise, owing to the reduction of profits consequent upon the competition in underselling each other, which it has introduced amongst the pirates themselves, who, as they have no ambition to compete for public favour in excellence of production, can only secure a sale by reducing prices to the lowest possible point, by a correspondent reduction in quality, and have consequently injured the trade, not only as regards excellence in art, but likewise in reference to its commercial prosperity. But even if such be the case to a certain extent, and if piracy, however abated in general amount to what it may have been some years ago, still exists in England to anything like the extent represented to the Committee, and attended with consequences so injurious to the fair traders of this country as has been there detailed; it is sufficiently obvious, that the law for its suppression requires such amendments as may most effectually attain that object, and put an end to the evil complained of.*

On the other hand, if, as has been stated by the opponents of an effectual copyright, not only the evils but the extent of piracy are exaggerated and misstated by the advocates of extension, the damage to be apprehended from its abolition must be reduced to a very small amount indeed, as contrasted with the satisfaction and security which it will afford to the

* See Evidence, 3749, 8504–5, 2361. Ross, 5567, 5643, 5568, 5723, 5532, 5570, 5576, 7361, 8504–5.

original producer. In an early stage of the inquiry, Mr. Applegath declared it to be his opinion, that the apprehension of ultimate injury to the trade of the country from the thorough and effectual abolition of piracy was a groundless panic, inasmuch as *"he did not think one particle of the success of the trade was depending upon the power of copying patterns, but rested entirely upon another foundation, on the superiority of our machinery and the universal extension of the markets of England." Mr. Lee, although an opponent of all copyright, in the course of his evidence, reiterates this opinion of Mr. Applegath, and states, that the prosperity of the trade at this moment does not depend upon copying;" and that for the home trade he has no apprehensions whatever of any evil effects from the suppression of the practice.† In unconscious confirmation of this, Mr. John Brookes, who describes himself as the largest printer of his own cloth in the kingdom,"‡ declares, that of thirty thousand patterns which he has produced within the last ten years, ten only have been copies of the designs of others, and that, although formerly an extensive copyist, he eventually found his real interest to lie in giving it up altogether, and betaking himself to designs for his own productions. Mr. Lee, the extent of whose transactions he detailed to the Committee, not by the measurement of yards, but of miles, being no less than 11,137 miles in the course of a single year, carries on that successful trade

* See Evidence, 3054. † 5072. ‡ 687.

totally independent of piracy, never having copied in a single instance, not even an expired copyright, nor a French pattern, and has in fact a great objection to copying, and says that the entire of his business is entirely and absolutely independent of it.* Mr. Ross, another eminent printer examined before the Committee, makes a similar declaration; and Mr. Kershaw, whose produce in a single year amounts to the enormous sum of 884,000 pieces, or somewhere about twenty-two millions of yards, states, that he does not copy more than fifty to sixty French designs in the course of a year, nor more than one English one in every hundred, and even this never within the period of protection; that he not only prefers the use of original designs, but finds it in the end the most lucrative and remunerating, and that the practice of copying has in no degree contributed either to the success of his own business, nor to the failure of those who have been less fortunate in the trade.†

Mr. Kershaw and Mr. Lee‡ likewise give it as their deliberate opinion that copying does not prevail to anything like the extent reported to the Committee, and that the cases cited by Mr. Stirling and others of its consequences in England are isolated instances, whence no general inference can with safety be drawn.

* Mr. Lee's Evidence, 4400, 4404, 4391, 4395–6, 4534, 5065 to 5072.

† Mr. Kershaw's Evidence, 3658, 3866, 3961, 3656, 3320, 3755, 3991–4.

‡ Mr. Lee, 4468 to 4477, 4525, 5129, 5277, 5264. Ross, 5567, 5643, 5568, 5723, 5532, 5570, 5532, 4058 to 4083.

Mr. Ross also declares copying to be rapidly decreasing in amount; and that the competition in prices, and the attempt at underselling which it has introduced, have raised the trade generally in arms against it; and parties universally have begun to find it their interest not to copy.

If these views of the limited extent and positive disadvantages of copying be correct, it is difficult to discover the grounds for that apprehension which is entertained by the very gentlemen who advance them for the effects of its prohibition; if the most eminent houses in the trade disclaim any connexion with the practice; if its existence to any extent is denied amongst the others; if its adoption be accompanied with equal or even greater expense than the production of the original designs, and followed by less lucrative results; and if those who have abandoned it, admit that they have found their true interest in doing so,—the conclusion to which the opponents of copyright have come from such considerations, renders it sufficiently obvious that one or the other must be incorrect—their premises, or their inference from them; and whether piracy be extensive in its prevalence, and injurious to the original producer, as attested by the advocates of extension, or whether it be limited in extent, and injurious only to the copyist, as represented by the opponents of that measure, its utter abolition must be equally important and advantageous to the general interests of the trade.

"A striking circumstance in these statements, utterly inexplicable, except on one hypothesis, which it

would not become me here to suggest, is the discrepancy between the opinions and the practice, as stated by themselves, of those houses which are pre-eminently the head and front of the opposition to this measure. One house, whose annual production falls a little short of a million, copies only to the extent of ten thousand pieces, or about one per cent. on this vast amount. Another house, whose production, too great to be estimated after the ordinary manner of the trade, amounts, they say, annually to upwards of eleven thousand miles! which would almost "put a girdle round the earth" of printed calico, *never copies* either French or English patterns. A third, though last, not least in the annals of piracy and printing, having acquired considerable wealth, has wholly laid aside the discreditable practice, and finds not the least occasion for it! Strange that these houses, whose united production of near two million pieces, annually, is equal in superficies to the production of all ALSACE! who are largely engaged in the home and foreign trade, and loudly threaten irreparable injury to both, if copying be abolished, *should yet themselves not practise it*, or only to so small an amount as half a per cent. on the whole of these united productions! Thus demolishing one or other or both of their propositions, that copying is essential to the welfare of our home, and the existence of our foreign trade, and that they, largely interested and engaged in both, *never copy at all!* But who then are the copyists? Why do they shrink from the avowal? They all maintain the necessity of copying, yet all deny they

practise it. One small glimmering of right and justice shines through this; without firmness to resist doing a bad action, they have feeling enough to be ashamed of it."

* * * * * *

"Men who are restrained *by moral principle and not by law*, from copying, find no difficulty in maintaining a lucrative and extensive business, both in the home and foreign trade, without recourse to this disreputable practice. Men who are large shippers to those markets which are threatened with extinction, if this measure passes, feel no alarm, *and are amongst the foremost advocates for this bill.*"*

* Letter to Sir Robert Peel, pp. 28, 29, 30.

# CHAPTER V.

## EXPOSURE OF THE INADEQUACY OF THE PRESENT TERM OF PROTECTION.

### *Sect.* 1.—*General Insufficiency of Three Months Copyright to remunerate the original Producer of a Design.*

THAT the present limited term of three months is utterly inoperative as any protection to the trade, I have already exhibited proofs, not merely in the complaints of the sufferer whose property has been wrested from him, but in the confessions of those who have made the pirated copies, and the declaration of the merchants who have purchased them as a systematic trade. Mr. Brookes, who has accumulated wealth as a calico printer, avows, that down to a very late period his business consisted of an indiscriminate appropriation of the designs of others, notwithstanding the law of copyright, which he boldly set at defiance.* And Mr. Lucas, with all the unreserve of a man speaking of an ordinary line of business, admits that his extensive trade in printed calicoes is carried on

* See Mr. Brookes' Evidence, 821, et seq.

with *pirates alone;* that so ordinary a matter is it to disregard the law, that it never enters into his head when he wants a lot of goods copied, to ask the question whether the designs be pirated property or not; and that he never meets the slightest difficulty in obtaining any quantity he requires, provided he finds the price to suit him, * and that as to the present term of three months, "HE NEVER FELT IT TO BE ANY PROTECTION TO THE PRINTER AT ALL."

The present term of three months is stated, by those printers and designers who have petitioned the House of Commons for its extension, to be utterly inadequate for their protection, either in the home market or the foreign, or in that in which goods are suited conjointly for both, and that it fails to afford them that remunerative property in their inventions which the law designed and professes to confer.

The inadequacy of three months is proved by numerous tests:

1st. Because the term itself, even presuming there to be no check to the ordinary demand and sale in the market, is too brief † to afford a chance of remuneration for the time and labour of production, and the outlay and risk of capital, before the design is open to be copied by the pirate; when the original, if its sale be not altogether suspended and closed, becomes deteriorated in value by being vulgarised and rendered common in the market.

2dly. Because purchasers, aware that the term of

* See Evidence of Mr. Lucas, questions 5695, et seq.

† See Evidence, 376, 948, 1829, 2219, 2225.

copyright is so short as to extend over a very brief portion of the period during which a pattern may be calculated to be in request in the market, and knowing that piratical imitations of it at a lower cost will be on sale long before the demand may be expected to cease, find it prudent to *give more limited orders in the first instance* * *than they otherwise would, in order to enable them to avail themselves of the probable fall in price on the approaching expiration of the copyright, and, above all, to avoid the risk of creating a stock which would of course fall in value on the publication of the copy.* Cases are of frequent occurrence where parties abroad have refused to send a second order home for goods which have been pirated; and in other instances, where orders had been sent in ignorance of the piracy, the agent has felt it his duty to decline to execute them. As a matter of course, repetitions of orders for the same goods are, from the same cause, given with extreme caution after the expiration of the three months; and hence, as the sale of a successful design improves in an accelerated degree as it becomes known to the market, the timidity of the purchaser increases as the copyright expires; so that in the last month of its duration, when sales ought to be most active, they are practically found to be least so.

3dly. In addition to this, even the space of three months is stated to be liable to be curtailed by

* See Evidence, questions 115, 138, 337, 1049, 1083, 1102, 3472, 1370, 1395, 8148, 8453, 8522, 1338. Kershaw, 3819, 4257, 4639, 2522, 2529, 1394, 1395, 1083, 1373, 3450, 1051, 449.

casualties of the weather, a cold spring retarding the sale of light goods in the home market, which may have been published in anticipation of sunny weather; and adverse winds, or accidental circumstances, retarding the sailing of ships with foreign consignments on board, whilst, in both instances, the term of the copyright is exhausting during the unavoidable delay.*

## *Sect. 2.—Three Months insufficient for the Home Market.*

In the home market the ordinary sale of a design may be said to extend over one season or about six months, but many of those which are most successful endure for a much longer period,—one, two, or even three or more years being no unusual term for a decidedly successful pattern to continue to sell either at home or abroad.† The medium patterns indeed are those, generally speaking, which expire with the season, whilst the valuable and the good are those which survive a much longer period, and it is for the latter alone that the protection is really desirable.

In the article of chalis, and similar fabrics of an expensive kind, light designs intended for the spring, sell equally well as dinner dresses in winter; and again, in those which are unsuccessful in the spring, it is quite practicable to alter the character from a summer to a winter style, by the introduction of a

* See Evidence, 332-6, 1629, 8455, 8462, 1045, 1051, 1298.

† See Evidence, 3567, 613-14. Lee, 5028. J. Lockett, 6963.

new ground, and thus remedy by the one season's sale the deficiency of the other; but this is impossible, as the law now stands, compatibly with security, as the copyright will have expired before the experiment to amend the sale can be made.

It sometimes also occurs that a print unsuccessful in the home market may be eminently successful when exported to a foreign one; but here again the short term of copyright deprives the proprietor, who has been disappointed in the first instance of the profits of success in the second.* Almost as a general rule it has been stated that in the home market, the first three months after the publication of a design are neither sufficient to reimburse the proprietor for his outlay and risk, nor are they that portion of its period of demand in the market within which its sale is most successful and remunerative; the copyist, in the great majority of instances, deriving a profit from designs, which, when invaded by him, had not yet adequately repaid their original proprietor for their production, but which would not have failed to do so had his protection extended over a somewhat longer term.

### *Sect.* 3.—*Three Months insufficient for the Foreign Market.*

The inadequacy of the term of three months is still more strongly urged in the case of the foreign trade, and indeed nothing can more irresistibly exhibit its

* See Evidence, 339, 342, 6966.

insufficiency than the declarations of Mr. Lucas already alluded to. The exports of Great Britain to foreign countries consist almost exclusively of goods of a medium quality, produced chiefly by machine printing; in the finer styles, and higher branches of production, the superiority of the French designs in taste and execution, giving them a preference in the eyes of the richer classes abroad, to whom mere cheapness is not a consideration, though even these are repeatedly sent to this country to be copied, owing to our being enabled to reproduce them cheaper.*

The foreign trade is in fact by far the important branch in the article of printed calicoes, the entire production being, in the year

| | For the home trade. |
|---|---|
| 1820 ..... | 1,728,340 pieces. |
| 1825 ..... | 1,478,508 do. |
| 1830 ..... | 2,281,512 do. |

| | For the foreign trade. |
|---|---|
| 1820 ..... | 3,727,820 pieces. |
| 1825 ..... | 6,662,368 do. |
| 1830 ..... | 6,315,440 do. |

Since 1830, when the duties on printed calicoes were abolished, returns have not been kept, but the relative quantities are stated to be in the same proportion now as before.

For this branch of the trade the inadequacy of three months is strongly pointed out by Mr. Barbour,

* See Evidence, 8389, 1047.

who declares it to be "almost no protection at all;"* and Mr. Lucas, who states his whole business to be a system of indiscriminate copying for the foreign trade, justifies it by saying that it is impossible for him to infringe a copyright in so doing, inasmuch as "every order he executes comes from a distance, and must be beyond the three months, as no goods can be sent to the West Indies and back again within the term of protection," and he therefore goes to work fearlessly.† A course of post cannot in fact bring a repetition of the order before the copyright expires, and the profit of supply goes to the copyist. Mr. Schuster, an exporting merchant, states, that in more than one instance copies of original designs, of which he was the shipper, have arrived in the same markets almost, if not quite as early as his own, and undersold him from their inferiority in cloth, colours, and execution.

The entire evidence, indeed, of this gentleman, as well as of Mr. Barbour and Mr. Stirling, all of whom are engaged almost exclusively in the foreign trade, goes to show the utter insufficiency of a term of three months, either to remunerate them by its sale if unmolested, or to protect them from the successful assaults of the copyist and the pirate.

* See Evidence, 8444, 8453, 8524-5, 1051, 6001.

† 1051, 6033, 6077, 6081. Stirling, 3328.

### *Sect. 4.—Three Months insufficient for the joint Home and Foreign Trade.*

But the term of three months' copyright has been especially found insufficient to afford reasonable remunerative protection to those goods which, from their style, are equally suitable to the home and the foreign market,* and which form a considerable proportion of the production of some houses in the trade, the same style being, in many instances, sent to the markets of North and South America, Belgium, Germany, Italy, and the Levant, and the tastes of these several countries yearly growing more assimilated.† Mr. Salis Schwabe, who is extensively engaged in this trade in Manchester, states that he commences to prepare his designs of light styles about the month of June in each year; and in September he is generally enabled to have them engraved, and goods printed from them, ready for exhibition. The articles are then delivered for export to the distant markets in October; and the same goods are offered for sale, for the home trade, in January, the deliveries made in February and March, and the sale will extend to the end of the summer, in the July following. Thus, if he avail himself of the law, and publish as the Act directs in October,

* See Evidence, questions 421, 470, 526, 98, 1450, 1093, 1236, 3284, 1570-1, 3379. Lee, 4456.

† See Evidence, 201, 216, 259, 297, 338, 1571, 989, 92, 989, 102, 103, 202, 252, 289, 1465, 1460, 292-3.

before shipping the goods for export, his protection will expire in January, before his delivery for the home trade begins; and, if he fail to comply with the Act, and to publish in October for the foreign delivery, his patterns may be obtained and copied with impunity, and the copyist be prepared to issue them and compete with him, with his own designs, immediately on the opening of the spring season at home. It is clear, therefore, that with so short a time of protection, he must, if he avail himself of a sale in both markets, for which his goods are equally suitable, forego the advantages of protection in one or other, or even abstain supplying orders for one, in order to secure the copyright in the other; whereas an extension of the term to twelve months would enable him to date his publication from the first delivery for the foreign trade, and thus secure, in conjunction with it, the advantages of the subsequent sale at home.

## CHAPTER VI.

### CASE OF THE EMBROIDERERS AND TAMBOUR WORKERS.

ANOTHER most important branch, in the protection of which I am deeply interested, from the employment which it gives to a vast number of females amongst the peasantry of the north of Ireland, is the embroidery by the needle, of articles of dress for ladies and for children. This description of goods stands in a most singular dilemma. In the first place, the design not being *woven* in, has no claim to the protection accorded by Lord Sydenham's act for designs when "woven fabrics," and not being *printed*, but being produced by the needle, would seem to come under the protection of neither law! But it so occurs, that the pattern is first impressed by lithography upon the cloth to guide the embroiderer in her work, a process which may be construed into the "printing" contemplated by the act, and entitle the proprietor to a three months' protection. But then it is out of his power to comply with the other requirements of the law as to publication, and the stamping of names and dates upon the end of each piece. He

is thus left utterly defenceless, and the extent of injury inflicted in consequence, is amply detailed in the following communication from an eminent house in the trade, at its chief seat in Glasgow.

JAMES EMERSON TENNENT, Esq., M.P.

*Glasgow*, 30*th Nov.* 1840.

Sir,

In accordance with your request, we beg to subjoin the following notice of a few particulars of the manufacture of embroidery, and the evils it is oppressed with from the present imperfect state of the law of copyright of designs.

The embroidering of muslin goods for ladies' dresses, collars, &c., and also for infants' robes, caps, &c., has been for many years a branch of the manufacture of the west of Scotland; and of late years has considerably increased. The manufacturers reside principally at Glasgow and Paisley, and employ agents in most of the counties of Scotland, to give out the pieces of muslin to the workers, to sew or embroider at their own houses.

In the north of Ireland there are also manufacturers, and there the employment given is very great, but Scotch manufacturers are the principal employers.

The articles manufactured are various in style, shape, and price; the value depends on the beauty and taste of the design, and on the execution of the embroidery. Most of the large houses at Glasgow have designers of their own, but the French have

great superiority in this branch of trade, particularly in the finer goods, from the greater elegance of the design and the beauty of the execution. We look to the French therefore *greatly* for our *style* of pattern.

The patterns are for the most part *printed* on the muslin, by means of lithography, in black or blue, to guide the sewer as to the design, she covering the printed part with the embroidery.

We have read the evidence taken before the Committee on copyright in design, and particularly in reference to the amount paid by some printers, annually, for designing; and we think that persons in our business who are not pirates, pay as much for designing alone, in proportion to the amount of business they do, as any printer in England.

The evil complained of, is, that the patterns, after being *printed* and in the workers' hands in different parts of the country, are copied on an inferior muslin, and executed in an inferior manner, and brought into the market as early as ours, and of course are enabled to be sold cheaper. Even if brought out at the same price the evil is a great one, as, a double quantity of each pattern being produced, the price is very soon reduced, thus causing in the buyers a want of confidence in the article, and a disinclination to purchase freely, because they know not the day that the copyist may reduce his price. And in regard to one particular district where the piracy is made quite a business of, the case is, that the pirates cannot hold their goods for a day, but are often obliged to sell at whatever price they can get.

So far is the evil inflicted on the capitalist who embarks in this business; but it does not stop here. In the district of the north of Ireland, where this wholesale system of piracy is carried on, almost every Scotch manufacturer withdrew his work (for a time at least) during the last year, and pushed the business elsewhere; the consequence of this was a great reduction of prices and consequent distress amongst the workers; and thus for the *want of a proper protection for design*, a branch of business affording employment to thousands of the industrious females in Ireland, suffers very materially. But we may be allowed to say, that there is no branch of the national industry that is more deserving of the protection of the legislature, than this of hand-sewing, or embroidery; for, although in amount it may be insignificant as compared with almost any other, yet it is to be considered that the *employment* is given to the *females in their own houses;* there is no *congregating* together of large *masses of people* as in the *great towns and districts* which are the seat of the staple cotton manufacture. The benefit of this employment is known to every one acquainted with the condition of the people in the north of Ireland; we speak more particularly of that country, because, doing a large busines there, we are better acquainted with it, and also because employment is there more required. In Scotland, the establishment of the business is much older, and also of great consequence to the female population.

For many years the pirating system has been felt

as a great evil; in our own business, we sought by increasing our number of designers and keeping up a constant succession of novelty, to lessen the evil; but whereas the old system of block cutting was tedious in getting forward, and also expensive, collar blocks, costing from 20*s.* to 10*l.*, and infants' robe blocks as high occasionally as 25*l.* and 30*l.*, the pirate was deterred by the expense; and even if the pirate got the pattern from the worker, the original proprietor of the design had the start to the extent of the time ccupied in cutting the block. But the introduction of the printing by lithography, whilst it was the greatest facility ever given to it, and did immense good by the inexpensive production of novelty, gave also increased facilities to the pirate. The pattern which cut on a block would cost 5*l.* and take two or three weeks to finish, can by means of lithography be prepared for printing in a few hours, and at a cost of less than as many shillings.

The pirate procures a printed piece from some of the workers, (for scattered all over the country we can have no hold on them,) and takes an impression from it; he is thus saved the exertion of any taste, and the expense of designing, and is enabled to be in the market as soon as the original; and even if he pays the same price for embroidering, which he seldom does, he is enabled to undersell the fair trader.

We have taken opinion of Counsel in Scotland on our case, and the opinion is that under the acts 27 Geo. III. cap. 38, and 34 George III. cap. 23, protecting the print trade, our goods being printed,

are entitled to three months' protection from the date of publication, and we are now suing in Court here for damages. But observe, calico printers print their goods in their own works, and the date of their *publication* is the date of *their commencing to sell*, whilst *our date of publication* is *the day of giving out to the worker to be sewed;* and as the sewing and otherwise preparing for market, by bleaching, &c. varies from *six weeks to three months*, it is evident that even if we succeed in establishing our claim to protection under these statutes, it is a very *inadequate one.*

We trust that this statement of our case is sufficient to shew that it is even stronger than that of the calico printers. We have thought it better, however, to call a meeting of the trade generally, to consult anent the mode of working out a remedy for the grievance.

There will, we believe, be no difference of opinion as to the propriety of asking for legislative interference, and we are ourselves of opinion that a clause introduced into the proposed Bill could be satisfactorily framed, so as to meet the grievance. We shall forward you a copy of the minutes of the meeting, (which is to be held on first Wednesday) and shall be glad to communicate any further information you may require.

We are, dear Sir,
Your very obedient servants,
SAMUEL R. & THOMAS BROWN.

## CHAPTER VII.

### CASE OF THE PRINTERS OF FURNITURE CALICOES.

THERE are in the trade of calico printing two classes of production, distinct in their general features and application, though some peculiar styles may be said to belong to both. The first and most important of these is the manufacture of printed goods for dress, called "garment printing," the other term "furniture printing," comprises such goods as are used for hangings, architectural ornaments, and other domestic purposes. To this latter the statements made, with regard to garment printing, will generally apply. But, as I have said, in some of the styles prepared for this purpose, it is difficult to draw the line between the two classes, some patterns being equally in use for garments and for furniture in Great Britain, and others, which serve for the latter purpose at home, being likewise suited for export as dresses to some of the foreign markets.* At the same time this branch presents some remarkable features which are peculiar to itself. Its designs are, for the most part, much more elaborate, and

* See Evidence, 1941, 3016, 1789, 1791, 1835.

take much longer time to produce, a full furniture pattern, requiring at least three months in preparation before it would be ready for sale; and their cost, both in the article of engraving and drawing, being much more expensive; some of those which were exhibited to the committee having cost 70*l.*, and a still larger sum being expended upon others.*

### *Section* 1.—*Greater Expense for "making out" in Furniture Printing than for Garments.*

In one item, in particular, the preparation of these designs is attended with an expense considerably greater than that incurred for garment printing, namely, in what is termed in the trade the "making out" of the pattern, which consists in reducing it to such a scale and such an arrangement previously to the process of cutting or engraving, as that all its parts may fall in with harmony and regularity when applied to the cloth in the successive repetitions of the impression from the blocks or cylinders. In this particular, from the greater size of the patterns in these articles than in garments, and the correspondent facility with which the eye may detect an imperfection, much greater accuracy and much more labour are required. Some patterns were exhibited which it had been necessary in the process to redraw with corrections no less than six times, a circumstance attended with much delay and cost, and

* See Evidence, 2859, 2090, 4408, 4409.

which holds out an increased inducement to the copyist, inasmuch as when the design is once perfected, he can appropriate it in a few moments by the simple application of a sheet of tracing paper.

### *Sect.* 2.—*Greater Expense for Blocks.*

In addition to this, the blocks used in furniture printing being applied with greater force to make the impression are more rapidly worn out, and require more frequent repairs and renewing than in other descriptions of work, it being stated that after printing three hundred pieces of one pattern of elaborate design the blocks would be destroyed and unfit for further use, and even before doing so many would require frequent retouching.

### *Sect.* 3.—*Extent of Piracy.*

Connected with this branch of the enquiry three witnesses * were examined, all of whom concur in representing their trade to be most seriously injured by their exposure to, and the prevalence of, copying which takes place, not only within the three months after publication, but beyond it, the law giving no remedy in the latter case, and in the former the shortness of the term not being worth the cost of

* Mr. Brooke, Mr. Clarkson, and Mr. Applegath, 1806, 1818, 2849, 2912, 3016, 1855, 2250, 1904, 2094-5, 2113, 2117, 2183 1871, 2126, 2134, 2242, 1840-1, 1887, 3086, 1828, 1840, 2219, 1830, 1928, 2103-8, 2141, 2233, 2262.

resorting to legal proceedings for protection, and the pirate underselling them by producing his imitations with less outlay, upon inferior materials, in inferior colours, and avoiding all risk by fastening only on those that have proved successful in the market. The consequence of this is, that the better class of furniture patterns being designed expressly for the upper classes of society, lose their value in the eye of those for whom they are intended by being applied to inferior purposes, and their sale is instantly affected and often so entirely destroyed that the original proprietor is obliged to cease to print them, and abandon them altogether to the copyist.

### *Sect.* 4.—*Three Months' Copyright useless.*

All the persons examined state,* that the present term of protection is utterly inadequate to meet the exigencies of their case, or to realise the intention of the Legislature, in creating a remunerative copyright in their designs, and complain that, whilst figured damasks and other fabrics with woven patterns, which directly interfere with their trade, inasmuch as they are used for the same purposes, have a copyright of twelve months, the prints which they produce have only a protection of three. Their productions differ essentially from those of the garment printers in another particular also, inasmuch as they are much slower in becoming known to the pub-

* Mr. E. Brooke, Mr. Applegath, and Mr. Clarkson, 3016, 1806, 1818, 2151, 1870, 2849, 1811, 2096, 2268, 1820, 2911.

lic; and as the changes of fashion regarding them are likewise slow, their sales, when they have once gained a footing in the market, extend over a much longer period, though fewer pieces of each pattern are ultimately consumed, *five* hundred being an extraordinary sale, and not more than *three* hundred pieces of one design exhibited before the committee being sold in three years, and even that a successful and valuable one. It has been stated in evidence, that from three to twelve months is barely sufficient to make a pattern even *known* to the trade;* that before twelve months it hardly attains to any demand, but that once approved of, it continues to sell on for two, three, and even four or five years; and many patterns have continued in favour and in demand for fourteen years, or even a longer period.† Besides which, the very nature of the process being more elaborate and complex than the printing of garments, renders the production slow; and even within the three months it would be difficult to print off a sufficient number to remunerate for the outlay, if sold.

Under these circumstances the law is *almost inoperative* in their favour, inasmuch as their designs become the property of the public, and open to the copyist, before they can possibly have proved remunerative to the inventor; whilst the long con-

* Mr. Lee, 2899, 1821, 2097, 2136, 4419, 5097.

† See Evidence, 3069, 1913, 1968, 1973, 2099, 2102, 2137, 3119, 3019.

tinuance of their period of demand holds out an increased temptation to the pirate to assail them, and that too in the height of their sale.

### *Sect. 5.—Imperfect State of the Law highly prejudicial to Art.*

The imperfect state of the law has been strongly represented to the committee,* as operating to the prejudice of this class of production, in confining it to a comparatively low style of art, in those articles which are at present produced, and which are of a very simple and inartificial description, and in deterring those engaged in it, not only from applying it to many purposes to which it would be suitable, and which are not now attempted in this country, but from employing in the execution of those on which they venture artists of such high ability as they otherwise would. They are thus driven to rely for success, less upon the solid basis of merit in the design, than upon the expedient of a constant succession of novelty and variety, and even to reject designs of high excellence, but requiring much outlay in their production, from the apprehensions that the moment they proved successful in the market, they would be seized upon by the copyist before they could have remunerated the original producer.

* See Mr. Applegath's Evidence, Questions 2850, 2074, 2875, 2889, 2851, 3095, 1825, 2854, 3086.

## CHAPTER VIII.

### THE CASE OF THE PAPER STAINERS.

THE case of the paper-stainers, whose petition has been referred to the committee, presents many features similar to that of the calico printers. For this trade no protection in designs existed until the passing of Mr. Poulett Thomson's Act, 2 Vict. c. 17, which conferred upon them a copyright of twelve months. But this they declare to be utterly insufficient, from the nature of the trade and the duration of sale in the articles which they produce.

Designs for paper-stainers are not made by hired parties in their exclusive employment, nor is their production a branch apart from the engraving, but the two professions of a designer and block-cutter are united in the same individual, who offers the design, and furnishes the blocks ready for the printer's use in case of it being purchased. The cost of these varies very considerably; from a few pounds each, to 100*l.* and upwards being paid for one set of blocks and designs.

The season for the preparation of goods is generally in the winter for delivery in the spring, the

designs being engraved in October, and patterns sent out, and the paper delivered in the March following. And one striking feature in the trade, as distinguished from that of calico printing, is, that the sales are all made upon patterns or samples of the finished article, which are sent with riders throughout the kingdom to exhibit to the trade. For this purpose so many as 9,000 pieces of paper have been cut by one house in one year, at an expense of from 300*l.* to 400*l.* And, as a general rule, the cost of samples on which to effect sales is usually estimated at double the cost of engraving the blocks.

The sale of a particular pattern is also not only slow in beginning, but of much longer duration than in calico printing; twelve months being requisite to make a paper known in the market, and its sale extending on an average to five years, and often to twenty, if a successful design.

As in the calico printing trade, copying and piracy prevail in this branch of business to a great excess, whilst the term of protection is at once too short to afford adequate remuneration, even if unmolested, and too trifling to warrant the cost and trouble of a resort to legal proceedings when invaded. The copyist has considerable inducements to aggression upon the original dealer, and such facilities as to enable him to undersell him frequently so much as 50 per cent. In the first place, selecting only the successful patterns, he is at no cost by the failure of those which he might engrave and which would prove unsuccessful, and besides he takes up the favourite design at

the moment of its most brisk demand in the market; thus depriving the original producer of the best chance of profit or remuneration. He gets rid altogether of the cost of the design, and, by resorting to an inferior style of engraving, can have the pattern copied at a very materially diminished expense.

He prints on paper 20, 30, or 40 per cent. cheaper than that used for the pirated article; *and above all, by actually effecting his sales upon the samples and patterns distributed by the original house,* he gets rid altogether of this, the most serious expense attendant upon the successful pursuit of the business.

Under all these circumstances the trade suffers most severely from the want of protection, the present term being in reality of no avail whatsoever; and they conceive that the only amendment which could extend to them any relief would be to place the stainers of paper upon the same footing with the designers and modellers in metal, by giving them the protection *of three years for their designs,* accorded by the act of last sessions, coupled with the same conditions as to registration. To the latter, they express their readiness to submit, provided the alterations already pointed out by the calico printers, and in all of which they concur, are adopted, with respect to perfect secrecy in the deposits, moderation in the fees, and the substitution of a cypher in lieu of the present objectionable stamp with the address.*

* See a subsequent Chapter on the subject of the present registration system.

## CHAPTER IX.

THE REMEDY FOR ALL THESE EVILS IS TO EXTEND THE TERM OF THE COPYRIGHT FROM THREE MONTHS TO TWELVE.

In the previous chapters I have endeavoured to exhibit the mischiefs which are felt to arise from the present imperfect state of the law; and, for the removal and amendment of these, one simple, and it is believed, efficacious remedy has been suggested, viz., TO EXTEND THE PRESENT SHORT AND VALUELESS PERIOD OF THREE MONTHS COPYRIGHT TO TWELVE MONTHS. This amendment will, in the first place, give to the original proprietor of a design a quantum of interest in its property, that will suffice to render him vigilant in its protection; and, if uninvaded, to remunerate him for all his toil and outlay; whilst the limited and moderate term of twelve months is a sufficient recognition of the right of the public to a reversion in its reproduction on the expiration of the copyright. At the same time, its establishment will serve to "discourage copying," and render it in time as morally disgraceful as it is legally prohibited. It will augment the general trade of the calico printer, and cause large

orders to be given with confidence, where small ones are now ventured on with caution; and its effect must in every way contribute to elevate the character of British goods in the markets of foreigners.*

### *Sect.* 1.—*Extension of the Copyright will improve the art of Design.*

As regards the art of design—as excellence can be expected not in casual amateurs, but in educated and properly trained professors—the amendment of the law, which has been suggested, will hold out a reasonable encouragement, which is now wanting, to parties to devote themselves to it with more energy as a profession, and to emulate the rank to which study, combined with talent, has succeeded in elevating the industrial artists of France.

Whilst the system of copying has a tendency not only to retard the march of improvement in art itself, but to produce sameness and mannerism in design, an extension of the copyright will encourage and increase the power not only of producing designs excellent in themselves,† and valuable for their elegance of conception and beauty of execution, but it will infuse additional merit into that succession of novelties which is so essential to the vitality of the trade, and which is now supplied rather by a stale

* See Evidence, 1374, 1119, 1459, 1479, 1818, 1825, 2247.

† Kershaw, 3650-2, 3670, 3754, 3751, 3752, 327.

variation of the old stock of ideas, than by a vigorous application to the cultivation of new.*

Extension of the term will afford at once better payment and increased employment to artists and engravers, as every printer will be driven to produce his own designs, and to draw forth the ingenuity and genius of those in his employment.† *In France the number of designs produced annually is equal to our own, whilst the number of pieces on which they are printed is barely one-fourth.* Mr. Stirling states that whereas before acting upon the principle of the Copyright Law in Ireland, his house employed but one designer, he now, under the influence even of imperfect protection, "has increased the number of his designers eightfold and of his engravers threefold;‡ and Mr. Ross, an opponent of extension, admits, that with the increase of the protection to twelve months, the printer would be induced to go even "to an unnecessary expense" in the preparation of his designs.§

But in contradiction to this opinion, that the universal adoption of the use of original designs by every printer in the trade, would tend at once to the advancement of art as a study, and to the increased employment of artists, a totally different view has been advanced ‖ by Mr. Kershaw and the opponents

* Applegath, 2851, 2941, 2994, 454, 652-3, 1547, 2662, 2442, 2806, 2833.

† Holdway, 2661-3, 2708, 2723-9. Stirling, 3271, 228-9, 3272, 1092, 1493. See Holdway, 2668.

‡ 3272. § Ross, 1513.

‖ Brooke, 685. Kershaw, 4344; et seq. 3734, 3756.

of the copyright; who contend that the fact of his successful patterns being fastened upon by the pirate, drives the printer, who is so assailed, in order to supply their place, and to reimburse him for the cost of those which have been wrested from him, to produce new inventions and new designs, which may be again in turn seized upon and replaced by others in rapid succession; and that any interference with this system of freebooting will tend inevitably to curtail the number of original designs.

But "copying," Mr. Kershaw admits, "cannot stimulate invention;"* and whilst, in the long run, such an unequal and harassing conflict as this must issue in the ultimate ruin of the party so perseveringly assailed, it is sufficiently obvious that the impulse expected to be communicated to art in general by the struggle, will, in reality, be confined exclusively to the suffering party, whom injustice may thus spur into extra exertion; but it is manifest that the copyists, the active aggressors, will be utterly uninfluenced by any such feeling, and equally unproductive of originality as before.

Mr. Kershaw maintains, in opposition to Mr. Applegath and others, that as much study is now bestowed upon the art of design, and as much excellence attained in it at present as would be possible to attempt, or it could be susceptible of receiving under any modification of the law, (an opinion with which the infinite superiority of art in France under an

* 4047.

efficient law of copyright is hardly reconcileable,) and that so far from the proposed extension contributing to augment the demand for new designs, and to give increased employment at higher wages to artists, that it will have the precisely opposite result.*

In the same evidence, however, the same gentleman declares that "open competition will always afford the best remuneration and greatest encouragement to art;" an opinion in which he is supported by Mr. Lee, another opponent of extension, who says "that art can only be benefited by that free and open competition in which the best and most talented men will strive that every design shall excel the former one;" a case which will be impossible, if every design is to be a copy of a former.†

### *Sect. 2.—Extension will increase the Number of New Designs.*

But Mr. Kershaw's argument is founded on the apprehension that the printer who has secured the copyright, having the power by that means of working it unmolested by the copyist for twelve months, would persevere in doing so;‡ so that the artist would be deprived at once of the copies of it which he might otherwise have been employed to make for the pirate, or of the fresh originals which these copies themselves would have driven the original inventor to

* See Evidence, 3735, 3751, 3753, 3756. Lee, 4564, 4571, 4601, 4600, 4596.

† Lee, 4566. ‡ 2710, 4013, 6170, 6174, 6102.

produce, by which means he apprehends that not the designer merely, but the general trade of the country would suffer and languish from the want of that succession of variety which is essential to its vitality and vigour.

But here, the fact that of any one design, no matter how eminently a favourite, only a certain quantity can possibly be sold under any circumstances, and that any beyond it would fail to find a purchaser, will operate as a sufficient check to the over-production of the publisher. And added to this, is that craving demand for novelty and change of design, to which I have before alluded, which is the leading feature of every trade into which taste and fancy enter, and is in a singular degree characteristic of this. Every witness who has been examined states, that a perpetual series and circulation of fresh inventions and new designs is indispensable to the very existence of the trade, both at home and abroad. The largest manufacturer in both,* and one who may be taken as a fair illustration of the entire, declares "that there is no month in the year in which he does not produce a number of new patterns, publishing them from week to week, and month to month, so as to have constantly something new to offer to his customers." This observation, too, applies with infinitely greater force to medium patterns, and those for export, than to the higher class of dresses, in which the sale is much slower, and the change of fashion much

* Kershaw, 3652.

less frequent; and even those gentlemen opposed to copyright admit that if disposed to avail themselves of their power to work an old pattern for twelve months, instead of turning it off to produce a new one, they could not do so; and Mr. Lee declares, such is the influence of this rage for novelty, that "he can seldom sell the same pattern to the same parties twice, and especially in the export trade."* To work an old pattern for twelve months with profit, under such circumstances, will, therefore, be an impossibility, and the production of new patterns will become a matter of necessity, not choice, whatever may be the extent of the protective copyright. And as the energies of that portion of the printers who now produce only copies, and who will still continue in the trade, must be then directed to the production of originals, the number of new designs produced will be augmented, not only in proportion, but even in an increased degree.

### *Sect.* 3.—*Extension will give increased Employment to Artists.*

At the present moment the production of *a copy* gives no employment to a *designer*, inasmuch as it can be transferred to copper by an engraver without his intervention, using merely a sketcher or a "putter-on" for that purpose, but if instead of a copy, (which will then be prohibited,) a printer is desirous of competing in the market with the proprietor of a success-

* Lee, 4638.

ful design, he will direct an artist to make him (not a copy, as now, but) *an imitation of it in style*, not identical in pattern, which it will still be competent for him to do, the practical result of which will be, that all will become designers, and competitors in the same race for public appreciation of their originals, instead of strugglers for the mere sale of their copies. Thus, whereas a clever design at the present moment, when produced, is reproduced again and again till the public ultimately tire of it, and it is abandoned when the sale is exhausted; a successful idea, by stimulating imitation instead of copying, will tend to generate numerous new styles, where there was originally but one; and thereby not only give a new spur to originality and invention, but create a new demand, increased employment, and higher remuneration for artists and engravers. In either case, therefore, the artists must be the gainers, whether the original designer be driven by the rage for novelty to turn off his protected pattern in order to engrave a new one, —or whether the present copyist being debarred from appropriating it, is turned round to invent original designs in imitation of it for himself.

### *Sect.* 4.—*Extension will encourage Schools of Design.*

The extension of the copyright will also give that permanent protection to genius in art, without which Schools of Design will be a delusion, their pupils,

when educated, having at present no security for the exercise of their talents.

Mr. Holdway, himself a designer and teacher of the School of Design at Edinburgh, states it as his opinion, that increased protection will not only augment the employment and increase the rate of remuneration of artists, but that it is essential to induce persons to devote themselves to designing as a profession; and that in the school over which he presides, he has encountered reluctance on the part of parents to send their children as pupils, from the uncertainty of finding steady employment for them when duly qualified to seek it. Mr. Stirling states,* that the same feeling of distrust operates in Ireland to prevent parties sending their children as apprentices to the designers in his works at Island Bridge, in both instances the parties being aware that the copyist gives employment only to a sketcher, or what is termed a "putter-on," and has no occasion for the services of an educated designer.

The want of this permanent protection has driven artists of high eminence, who were educated as designers for this branch of manufacture, and compelled them to abandon it in despair, and betake themselves to more remunerative pursuits.† Such were Stothard, and Lonsdale, and Oldham, the two former painters of high distinction, and the latter the inventor of the ingenious engraving machinery now in

* 2665.

† 1481–2, 1549. See also Applegath's Evidence, 2870–1.

action in the national Banks of England, Ireland, and Vienna, each of whom began life as a designer for calico printers, and would have been capable, if suitably encouraged, of infusing a high order of talent into the productions of this country.

### *Sect. 5.—The improvement of Art under extension will augment Consumption.*

The improvement of the art of design by increased protection will, at the same time, augment the consumption both at home and abroad ;* abroad, because the Americans and others now buy French goods, under the feeling that they are superior in style to ours, whilst taste, if improved, added to our existing facilities for cheaper production, would ensure us the preference ;—and at home, because dresses would be more frequently changed and bought by the upper classes, on the same principle which leads to the purchase of a painting, to gratify taste and fancy, "as a dress, after all, is not a mere covering, else we should have no printed dresses at all;" and those whose trade now is to copy patterns, being compelled, as they will be, to produce originals, "the trade generally will be increased, from the circumstance of there being a greater number of producers than at present;" and Mr. Ross declares that "parties always buy a large quantity where there is a large assortment and variety."†

* See Evidence, 1100, 1330, 1119, 1459, 1479, 1818, 1825, 2242, 2886, 2929, 2933, 2902, 1120.

† 3056, 3061.

### *Sect. 6.—Copying and Piracy objected to on moral grounds.*

But, independently of pecuniary advantage to be gained by the suppression of copying, strong objections have been made to its continuance, on the moral ground of its dishonesty and injustice, as well as on the temptation which it holds out to servants and others, to purloin the designs entrusted to them by their masters, for sale to other houses, a practice of which serious complaints were made by various witnesses examined before the committee,* cases having occurred in which, from this circumstance, copies of printed goods have been published by a rival house, almost simultaneously with the appearance of the original.

The alteration proposed will give for the first time adequate security to that species of property, which is at present the most destitute of all protection—*intellectual property*; "property, which, from its immateriality, can be stolen through a window without cutting out a pane of glass; which can be carried off by the eye without being traced or found upon the person; and which, at present, is guarded neither by high moral feeling nor the dread of moral reproach."† It will secure to every man not only his property, but his reputation and the legitimate character of his

* Potter, 350, 2552, 3252, 3551, 3549, 7632, 7667, 149, 150, 161, 165, 192, 378, 594, 3519, 3522, 3, 4, 5,

† Letter to Sir R. Peel, p. 13.

house, which, he is at present compelled to divide amongst those who exercise a right to share with him in the profits of his inventions.

It will at the same time school the public eye into a familiarity with beauty, by keeping constantly before it a succession of patterns, the purest in taste and the most exquisite in execution. Some of the opponents of copyright, in their perplexity to account for that superiority of taste in design in France, the existence of which they are constrained to admit, conjecture that it is *a peculiar gift of nature* to that favoured nation;* where it arises from no other local cause than the anxious protection afforded to artists, which enables them to keep the public eye so familiarised with beauty, as instinctively to reject mediocrity and deformity.

"It is in the power of the legislature, to place us on the scale of taste and refinement in industrial art, at this point precisely, which it shall choose we should occupy amongst the manufacturing nations of Europe. *Reject the prayer* of our petition, and we sink still lower on the scale; for to be stationary, whilst all around are advancing, is to retrograde. *Grant half our prayer,* and you remedy not half the evil; whilst some are relieved, the burden of the rest is rendered still more intolerable. Six months copyright would protect the home trade printer from the effects of piracy on his home demand, but not on his foreign; there are many distant and important markets for his prints, which a six months copyright could not in-

* See Mr. Brooke's Evidence.

clude, and furniture printing, an important branch, would be left just where it now is. A six months act would be a partial, ungracious, ungenerous boon to one portion of the trade, and an act of injustice to another. GIVE US THEN TWELVE MONTHS, which will include every class of printers in the trade; it will be received not merely as an act of justice, which if delayed, would at no distant period become an act of necessity, but as an act of grace. It will form the commencement of a new era in our art, when placed for the first time on a footing of equality with our rivals of France, *who have long enjoyed a twelve months protection*, we can enter the lists with them in the department of TASTE, in a fair and honourable competition."*

* Mr. Thomson's Letter to the Vice President of the Board of Trade, p. 21.

## CHAPTER X.

### REASONS ALLEGED AGAINST THE EXTENSION OF THE COPYRIGHT.

THE arguments which have been employed by the opponents of the Bill when introduced by me naturally resolve themselves into two classes. First, those which have an exclusive reference to the foreign and export trade; and, secondly, those which, whilst they apply to the former as a branch of manufacture, have a more immediate reference to the trade at home. In the earlier stages of the enquiry by the Committee of the House of Commons, the latter alone were insisted on; but as, one by one, their untenableness as sound objections was successfully exhibited by the scrutiny of the committee, they were at last utterly abandoned as valid arguments, and Mr. Lee, the most important opponent of the measure, declared that, so far from apprehending any injury to his *home trade* from extension, he believed that he should be a gainer of from 3,000*l.* to 5,000*l.* a-year by it; and that his alarm was confined exclusively to the

danger which he foresaw in its effects upon our exports abroad.*

But as the examination and final exposure of the fallacy of these objections occupied much of the time and attention of the committee, I shall briefly recapitulate them here, although they are no longer relied on by their authors, whose case now rests ex-

* *Chairman.* 4522. Would it be an injurious thing to you in your individual business, that the proposed law should pass?—*Mr. Lee.* I think if there were an extension of copyright to twelve months, it would be most injurious.

4523. Have you ever stated to any parties in Manchester, or elsewhere, that it would be *an advantage* of some thousands to you if this were to pass?—Yes, I believe so!

4524. How many thousands a-year?—From 3,000*l.* to 5,000*l.*

4525. Can you shew any corresponding injury which your trade would derive from the alteration, which would balance an advantage of from 3,000*l.* to 5,000*l.* a-year?—I think we should experience great injury in England by not being permitted to copy, while foreigners would be allowed to copy; and although they do not copy as much now, still I think the advantage they would derive from it would be so great an inducement to them, that if the proposed alteration of the law were made, I think it would be a decided trade with them to copy our best prints, knowing that we could not copy them, and to pour them into the markets which we now supply.

4526. Do you conceive, in the case of your own house, that copying by the foreigners would be to such an extent as to injure you to the amount of 3,000*l.* or 5,000*l.* a-year?—I think that in the course of time it would take our trade entirely away; and therefore I would rather sacrifice 3,000*l.* or 5,000*l.* a-year now, than sacrifice the whole trade hereafter.

*Mr. Phillips.* 4527. Then your apprehension of injury applies *not* to *the home trade*, but to the foreign trade!—*Mr. Lee.* Decidedly.

The result of the evidence given by Mr. Kershaw and Mr. Ross, two other most important opponents of the Bill, examined by the Committee, is to the same effect.

clusively and entirely upon their fears of foreign competition. And if, having already disposed of the one class of arguments by the committee, I shall here be enabled, by documentary evidence, and the results of recent personal investigation, to exhibit the inaccuracy of those reports by which their fears have been excited, and the utter groundlessness of their alarms as regards the other, I shall consider, the advantages of the alteration having been already admitted, all *honourable* motives for further opposition will have been effectually removed.

OBJECTION 1.—*That the extension of the copyright would have the effect of creating* "A MONOPOLY *in the article protected, and thereby enable the proprietors to* RAISE ITS PRICE *in the market injuriously.*"

In the first place it may be remarked, that the *nature* of the protection, under a twelve months' copyright, would, in no particular, differ from that under the present law of three months. The essentials of both are identically the same, and were it possible or practicable in either case to act upon the exclusive principle of "a monopoly," and to exact an unjust price for the protected article, the inducement to do so would naturally be greater under a copyright of three months' duration, within which the utmost possible profit must be realized, than under one of twelve, where the harvest could be collected at greater leisure. Yet it is not pretended for a moment,

that such a system has ever been acted upon, or the experiment attempted in a single instance, in this country—*whilst the very same parties quote France, with its copyright of years' duration, or even perpetuity, as one of those countries in which low prices may enable it to compete with England!* The gentlemen, however, by whom this objection was urged, fell into the fallacy it involves, from a misapplication of the term "monopoly," and as it appears to me from an imperfect conception of the operation of the copyright act itself. A monopoly is created where one individual is invested with the exclusive power of producing a certain article, suited to a certain purpose, and the public are compelled to resort for it to him alone, at such a price as he may arbitrarily fix. But that protection can by no possibility be converted into a monopoly, which may be claimed by *every individual embarked in the same trade,* and from whom the public can obtain at all times articles of the same kind, suitable to the same purpose, of equal quality, equal value, and equal beauty. As well might those who advocate a common property in patterns, contend for a community of property in general, on the principle that every individual has a monopoly in his own capital, or his machinery, or his estate. But, as I have already remarked, the privilege conferred by a copyright of twelve months will differ in no one respect, except the period of its duration, from the present copyright of three.

Monopoly, therefore, there will be none, and the same competition which serves to keep *prices* at a

reasonable remunerative level in every other branch of manufacture, will be equally effectual in preventing the exaction of excessive prices in this. And here it may be necessary to remark that the copyright sought is designed solely for the protection of the *individual pattern* registered, and not for the prevention of imitations of "*the style*" to which it belongs, or to which its appearance may have given birth. This matter may require some further explanation, as to the technical meaning attached to the term "a style."

Patterns, both for the home and foreign market, are not often published, as might be supposed, singly, but generally in sets of half-a-dozen, or upwards, or as it is technically termed in the trade, "in styles." A style consists of a series of variations of some original idea, differing one from another in arrangement, but exhibiting the same general character and effect by a combination of similar objects, and the same general disposition on the cloth, whether in stripes or runs, or single figures. These variations are made for the purpose of spreading as wide a net as possible for public taste; the original idea being likely to be approved in one arrangement by one portion of purchasers, who would reject it in another.

But these variations or styles are capable of almost infinite multiplication, compatible with the preservation of the same general effect and character of the design; and the object of those who seek to make the copyright effectual is, as I have stated, to confine the protection which they ask exclusively to the indi-

vidual patterns which they register, and in no degree to extend the prohibition to style, or to *a general imitation* of such of their productions as have proved successful in the market, *provided that it be not such an imitation as the law would pronounce to be "piratical."** They thus leave the whole range of fancy and invention open to all; prohibiting mean and servile imitation, but stimulating the cultivation of ingenuity and taste.

The fair and natural competition which would thus be created would render it impossible for any one individual who conceived he enjoyed a monopoly of his peculiar goods, were he to attempt to raise his profits, to obtain a higher price for them than that which was prevalent in the market for goods of the same description, suited to the same purposes, of equal quality in every respect in cloth, colours, design, and execution.† In order to insure this, it would not even be necessary to compete with the protected article in the identical "style" to which it may chance to belong; the production of an article of *a totally different style* suited to the same purposes, will equally answer the object; and Mr. Kershaw, an eminent printer of Manchester, has clearly demonstrated in his evidence before the committee, that the natural and healthy competition of general trade, not only in the specific article of calico itself, but in every

* Warwick, 2472, 2479, 2538, 2541, 2554, 2583. Holdway, 2758. Kershaw, 3919. Lee, 4531. Ross, 5650.

† See Evidence, 6055, 6098, 1432, 1431, 4, 1747, 8. Lee, 4629, 4669, 5032, 5130. Ross, 5618, (5627, 5700), 5653, 5672.

other fabric, whether of wool or of silk, which is applicable to the same uses as calico, must have the unavoidable effect of keeping down prices to a fair and remunerating level in all.

"*Chairman.* 3732. You consider that competition produces an abundant supply at the lowest remunerating price?

*Mr. Kershaw. Yes; I consider so.*

4106. In the present extension of the copyright which is sought for, do you conceive that a privilege will be sought for any one individual, which it will not be open to every individual in the trade to claim, of producing his own designs?—*No.*

4107. Is it not the case at the present moment, that the competition between even different articles, for the same purpose, tends to keep down the price of the one; in illustration of that, is it not the fact at the present moment, that the price of a silk gown tends to keep down the price of a cotton one?—*Yes; I think so.*

4108. Or that the price of silk hangings for a room tends to keep down the price of damask or chintz?—*Yes; I think it will.*

4109. If the proprietor of any one pattern has at the present moment an exclusive right to it, will it not be open, under the system proposed, for every other competitor in the same trade to produce as near an imitation of it as he pleases, provided he does not violate the copyright?—*Provided he does not violate the copyright he would;* but the difficulty is in determining when the copyright is violated.

4110—14. Is it not practically the effect at the present moment, under the three months' copyright, that the introduction of other styles in the market prevents any one originally in it from getting a price beyond its value?—*I think it does prevent it.*

4115. Can you form an idea of the price of that pattern, which is a piece of nine-eighths cambric, executed in spirit work (*a pattern being shown to the Witness*)?—It is nine-eighths 24 yards; I should think in spirit work it might be produced for about 7*s.* 6*d.*

4116. That pattern is not a copy of it (*handing another pattern to the Witness*); but it is on cloth of equal value, in colours of equal value, and equal in execution; do you conceive it then to be entitled to the same price?—Being the same work and same quality, *yes, of course.*

4117. There is a third, to which the same observation applies (*another pattern being shown to the Witness*)?—*Yes.*

4118. Supposing the first of these to be the original under protection, do you conceive a higher price would be able to be obtained for it in the market in consequence of that protection than for either of the other two?—*Perhaps not in this particular case;* but patterns vary very greatly more from each other in many cases than in these.

4119. Is it not the fact that the competition in styles, which will still continue, will tend to keep down the prices?—*Competition in style will tend to keep down prices.*

4120. Will not that be a sufficient obviation of the objection started by you in your answer 3731, in which you have stated that the article will reach the market at a higher price, because the party having the benefit of the monopoly will seek a higher profit? —No, I think not.

4121. Why do you think not?—Because I think patterns frequently vary much more from each than those do.

4122. I put it as a general rule, not with reference to those particular patterns; here, however, are two sets of patterns to which that observation last made does not apply, as the designs vary much more?—Which observation?

4123. Your last observation, in which you state that the patterns do not vary very considerably from one another in those before shown to you, but the cloth, and the execution, and the colours are of equal value; will not the effect of these latter produced simultaneously, by different houses, be to keep down the prices of both (*handing three patterns to the Witness*)?—*These produced simultaneously, by different houses offering them in the same market, I think would keep down the price of the other.**

So far, indeed, from there being a likelihood of prices being unduly raised by the contemplated amendment of the law in this respect, every witness in favour of the extension, examined by the committee of last session, distinctly stated that their hope would

* See Evidence, p. 241. Examination of Mr. Kershaw, April 1, 1840.

be to lower rather than to increase the price of the article,* which they would be enabled to do, and at the same time to obtain more remunerative profits, *by means of a more extended sale,* when exempted from the interference of the copyist, and when they would likewise be enabled to print the *same goods both for the home and the export trade,* which is now impracticable compatibly with legal protection, and they are consequently compelled to lay an increased price on both, from having to invent two sets of designs, the one for the home and the other for the export trade.†

Besides, the fear of being speedily copied may occasionally induce a printer to lay such a price on the first pieces worked off from a design as will insure him against ultimate loss from assault by a pirate, a necessity from which he would escape when once removed from the apprehension of interference.‡

Mr. Kershaw himself states it to be the principle of his trade, that in proportion to the *length of time, and the number of pieces* he is enabled to work off within it, from any pattern, he is likewise enabled to reduce the price of each;§ and Mr. Ross states it to be "the principle of his house," to look for moderate profits upon extensive sales, by which he not only defeats the assaults of pirates at home, but thinks that

* See Evidence, 137, 948, 983, 1012, 1163, 1232, 1254, 1431, 1548, 1740, 2431, 2497, 1455, 3075, 3082. Kershaw, 3645, 3732, 4127, 4306

† See Evidence, 1475–6.

‡ Ib. 135-6, 1.

§ See Evidence, 3645.

copying may be successfully defeated and prevented abroad.*

OBJECTION 2.—*That extension of the copyright will tend to litigation in contesting the originality or priority of property in designs.*

As in the case of the objection just disposed of, this is an apprehension of something supposed to be incidental to the contemplated law, which a moment's reflection must show to be equally existent under the present one. In order to protect the property which may now be confided to their guardianship, the administrators of the present law of copyright must be equally prepared to decide between an original and a copy, and to determine who is the pirate and who the legitimate producer. But the tendency to disputes of this nature, we are told, will be augmented by such an amendment of the law as I have ventured to suggest, because, as an increased value will thereby be given to the proprietor's interest in his designs, his disposition to claim for them the protection held out by the law, may lead to an increase of litigation, and to the institution of frivolous and vexatious proceedings in contesting the point of originality as between him and a supposed copyist.†

This is a question of extent alone:—every man will be disposed, in proportion to the interest he is

* Ross, 5665, 5478, 5516, 265, 1452, 1467-8, 1475, 1649. Lee, 5262.

† Lee, 4515, 4625, 4623. Ross, 5563, 5631, 3742.

possessed of, to be more or less active in its protection, and the increase of value given to the copyright may, and it is desirable that it should, operate to induce greater vigilance on the part of the original inventor, inasmuch as the present state of the law is shown on this very point to be unsatisfactory, it being admitted on all sides, that although the wrong is inflicted to a serious extent, the instances are of extremely rare occurrence in which the remedy has been resorted to; the brief term of protection not being sufficient to warrant the cost and trouble of appealing to a court of justice for redress. But it was stated repeatedly to the Committee, that during the 50 years which have elapsed since the passing of the original law, not a single case has occurred of a vexatious or frivolous resort to legal proceedings,* nor is it more likely that men will institute fictitious suits in the cases of copyright, than in regard to other species of property and privileges, which are equally the subject of legislation, the law itself having placed the most effectual checks to fraudulent litigation.

Another objection of this class was, that a printer about to cut a design which he may have purchased from a designer not in his own employment, will have no means of knowing, of himself, whether it has not been already sold and registered as the property of another; and that the difficulty of framing such an index to the deposits in the registry as to render them easily accessible for the purpose of consultation in such a case will be insurmountable, from the circumstance

* See Evidence, 7790, 1, 2, 3, 669, 686, 693, 730, 113, 1189, 1367, 1599, 1867, 2116, 2134, 2242-3, 772, 869, 1739, 7836, 7850.

of there being "half a million to a million of patterns to wade through in order to ascertain the fact." The apprehension likewise extends to the interests of this class of designers themselves, which, it is feared, will suffer from the caution of parties unwilling to incur the risk of dealing with them; a hesitation which it is suggested, however, may be removed by *their registering their patterns before they offer them for sale*, and thus sustaining the confidence of the purchaser. But besides the necessity which will be imposed to regard the character of the designer from whom a printer will purchase, or to guard against risk by keeping artists in his exclusive employment, this apprehension is ill founded, as the number of deposited designs will never exceed the aggregate accumulation of twelve months, and, by means of a cypher which it has been suggested to substitute in lieu of the present stamp,* the index for their consultation may be rendered available without trouble or delay.

The difficulty, however, which seemed to those who suggested it most to demand consideration, was as to the means of deciding *between two designs which was the original and which the copy;* a point fraught, as they appeared to believe, with insurmountable obstacles, inasmuch as all designs are but combinations of the infinite objects of nature and inventions of art, which are alike accessible to all; or repetitions in different arrangements of subjects, which had been already produced by the French or by former printers in Great Britain. But here again they seemed to have overlooked the fact, that the necessity of pronouncing

* See a subsequent Chapter on the subject of REGISTRATION.

that very decision is *one incidental to the law which exists at the present moment*, and as the abstract question of what constitutes originality, is one which cannot be altered by any temporary circumstances; the difficulty, if any, can in no wise be augmented by a mere alteration of the term of copyright from three months to twelve. The subtle inquiry into what constitutes identity, is in fact, a question utterly beside the consideration of the contemplated amendment; but for all practical purposes, the means of deciding what is a copy and what an original in calico printing, can be pointed out without hesitation.

In the first place, in the case of *copies from the French.* As the productions of their artists are open to being imitated, or copied in whole or in part by designers in this country, and as their patterns are periodically received by almost every printer, being forwarded by a regular agent immediately on their publication, as well for the sake of information as to the general aspect of the trade, and the prevailing styles of the season, as for the express purpose of being imitated by those who receive them, it is doubted whether a remedy would apply for their protection in the event of two parties appropriating portions of the same pattern? The answer, however, is sufficiently distinct; that, as the parties seeking for protection, under the present as well as the contemplated case, must, in order to entitle them to claim it, prove by affidavit, that their design was both "*new and original,*" they would not have the power, and they themselves disclaim the disposition, to resort to law for the

protection of what was a mere copy from the productions of another; but they contend that if parts alone were taken, and such combinations made of them as to give them an entirely new character and form, they would be entitled to protection as originals, as much as if the component materials had been selected from the garden or the greenhouse.*

But again, in copies from old designs, as the figures of new patterns are frequently extracted from old ones, and the materials, generally, for all designs are to be found in the unlimited number of objects in nature and art, which are common to all, and used freely in the designs of others, it has been questioned whether a copyright could be maintained for patterns drawn exclusively from such sources?

To this it is replied, that the essence of originality in a design consists, not in its abstract elements, which may be the property of any one, but in the

* 7316. *Mr. Williams.* I believe you are aware that it is customary for all the calico printers of Lancashire to make a point of getting all the foreign patterns they can, as well as English patterns, from which to draw their designs?—*Mr. J. Lockett.* Yes.

7317. Suppose two or three French patterns were sent, as is the case, to all the different calico printers, that would take the taste of several of them, and they were to give the pattern-drawers orders to draw patterns from those, varying the objects upon them; would you consider those parties entitled to a protection by copyright on those patterns?—Decidedly; it is the arrangement and combination which constitutes the claim to originality; there is nothing new, that is quite clear, as to the ideas; we do not make them; we receive our impression from regarding some object, we compare that object with some other object, the result is a certain combination, that combination entitles him to the claim for originality; that is my view of it.—Report, p. 420.

conception and general effect of their combination and arrangement into new forms, of which, like the notes of music, they are susceptible of in endless variety, whilst each combination will have a character peculiar to the mind of the artist himself.* It has been demonstrated by experience, that even where precisely the same materials have been given to any number of artists, their several designs have borne little relative similarity to each other, and could each and all be designated new and original; and it is distinctly alleged that it is as unlikely, if not more so, that two artists, from precisely the same objects, should produce two separate designs, identical in every point, as that two kaleidescopes, charged with the same figures, could, in simultaneous turns, produce the same combination of them.† In practice, indeed, the most extensive employers of designers distinctly assert, that there never yet occurred an instance in which two artists, working apart, but from identically the same materials have been known to produce identically the same combination of them.‡

* See Evidence, 1901, 36, 566, 698, 700-1, 702, 756, 759, 1071, 1126, 2565, 3034. Holdway, 2743 to 2750. Kershaw, 3656. Lockett, 7317, 3039.

† J. Lockett, 6974-5, 7306-7, 7320-25, 7336-7, 7340.

‡ "*What is an original design?* is a question which appears difficult to all but those who are conversant with patterns. It is unquestionably true that there is no quality or character by which the originality of a pattern can be recognized or discovered, independent of experience. An original pattern is one which has never been produced before; and considering the great number daily and hourly brought forth, it would appear to those unacquainted with the subject, that nothing is more likely than that designers should often hit upon the

"Close imitations and servile copies are made *designedly*, that is *piratically*, with the original pattern before the eye, and are never produced accidentally." These and *collusive or colorable variations* are *copies* in the eye of the law, and have been so decided;* and these alone it is the legitimate object of copyright to prohibit and prevent.

The idea that there must necessarily be an identity of design, because there is an identity of materials, is not in fact tenable for one moment; it is the *combination and arrangement* that forms the design, not the

same thing, or things that have been done before, and *yet nothing is more improbable. The chances are so remote, that in practice it amounts to impossibility.* In all my long experience, I never saw an instance of two patterns produced by different designers apart from and without communication with each other, which could by any possibility be confounded, or considered as approximating to identity. * * * Sometimes in spite of the efforts of a poor and barren imagination to avoid it, imitation of each other's patterns takes place, when designers of inferior talent *work together, but never when they work apart.* My practice in drawing is, first to select the type, and place it successively before two or more designers, apart from, and at such distance from each other, as to preclude all possibility of communication. Each impresses on the style the character of his own hand, and the chances are INFINITY to UNITY that they do not produce, whatever number of patterns they draw, or however long they work, two so nearly alike as to invade the principle of copyright."—*Thomson. Letter to Sir Peel*, p. 18.

* "It is a legitimate consequence of what I have before stated, that the accidental production of the same design by two different hands is impossible, and that in all cases where two patterns resemble each other so closely as to involve a question of invasion of copyright, this is in every case the result of premeditation and design; one has preceded and served as the type of the other, but which is the original, is an affair of evidence entirely."—*Ib.* p. 22.

*disjecta membra,* which the genius of the artists is employed to unite. Were this doctrine to prevail, it might with equal reason be contended, that " Coleridge's Ancient Mariner " was not an *original* poem, because every individual word of which it is composed may be found in Dr. Johnson's Dictionary. The quarries of Carrara supply the same marble for a palace and a statue, and yet no one presumes to trace an identity between the labours of the architect and the sculptor. That " intellectual property," which the law seeks to cherish, is to be sought in the mind of the artist, and not in the inanimate materials on which he is to work. But no better practical commentary can by possibility be adduced than the subjoined testimony of Mr. J. Lockett, the most eminent and experienced engraver in England, and one who has been more extensively employed in the execution of designs than perhaps any other individual in Europe. I extract it from the Report of the Committee of last session.

*Chairman.* 6972. The hon. Member for Coventry asked you, a few moments ago, whether the patterns which had been pirated of Messrs. Hoyle were original designs; now, as an engraver, in the constant habit and conversant with designs, have you ever found any practical difficulty in deciding what was an original and what was a copy?—*Mr. Lockett. None whatever.*

6973. Does your facility in doing so depend on experience or on theory?—*On experience;* I could not describe how it is to be done.

6974. From the long experience you have had, on a pattern being thrown down, could you tell distinctly from the style who the proprietor was, or who the designer was, who was likely to have produced it?—In a great number of cases I could; *it is as easily to be discovered to a person practised in it, as it would be to you to recognise the handwriting of your friend.* You may take the same idea, and give it to a dozen parties, and they would just produce the same variety of forms and characters as a drawer would.

6975. The first idea being offered to two of those parties, equally expert as designers, is it your opinion that the designers producing them would approach in similarity?—There is no doubt they would approach in similarity; they would produce a *similar style,* but there would be *nothing like identity.* I could instance a case in point. As I described before, we are in the habit of receiving French patterns, which we put in a book which lies on our counting-house table; our friends come in, and we discuss the various patterns which are before us. I said to one friend, "There is something very good in that—a very good idea in that,—just observe it; if you were to apply that so and so, you would get a very good effect, excellent and cheap." He immediately seized the idea; in fact, I gave him a piece of the pattern to keep the thing in his eye. He went home, set his drawer to work, and drew a set of patterns. Another gentleman came in in the same way; I described the thing, and expressed myself in the same terms, and

gave him a piece of the same pattern; and each party have brought me patterns to engrave, not in the least identical, quite dissimilar, but the process of producing them would be just the same; the effect will vary, the style the same, but the result is entirely different; which clearly proves that it is not the material which constitutes the pattern, but the arrangement of it. You may give a rose to a thousand different persons; I may say we have engraved the rose pattern and the rosebud a thousand times, and I will produce a thousand patterns with the rosebud engraved, and I will defy any man to say that there is the least identity in them.

6976. Have you any objection to state who the two gentlemen were?—I have no objection to state one; it was Mr. Ross.

7304. *Mr. W. Williams.*] Do you employ pattern-drawers yourself?—*Mr. J. Lockett.* We do to a certain extent.

7305. Where do they get their ideas from?—They take their ideas from all places.

7306. Is it not a common custom, in the formation of patterns, for certain patterns to be given, with an order to the pattern-drawer to draw that style of pattern, but to vary the objects?—It is; and I would engage to give the same instructions to 10,000 *drawers, and each of them would bring a different pattern, one that should be able to be identified;* it might very much resemble the others. The countenance of a sheep resembles its fellow, but I will engage, a shepherd who has been accustomed to

tend them would be able to select his own out of his neighbour's flock if it got into it.

7307. If all these 10,000 take their ideas from one source, do you consider that each of them would have a claim to originality?—Decidedly so; my view of originality is this; that it is a combination of the materials. If you were to give two straight lines to the drawer, which is a very simple figure, it is possible to produce a very large number more than you would suspect of patterns which, I should say, have originality. It is the arrangement, it is not the materials; the straight line is common to all. If you take three flowers out of a garden, and give them to a drawer, and say, "This is the style I want; introduce me those three flowers," I will venture to say, that there is no limit to the number of arrangements that may be made with those three flowers, and that each pattern should be separate. I think I quoted an instance on Tuesday of having put the thing to the test; I mentioned it to Mr. Ross. I gave the same hint and the same bit of cloth to two different parties; they have each of them brought me patterns to engrave, and I am quite certain that each of those patterns (and both gentlemen are on the same side, against copyright) would be claimed by them as original.

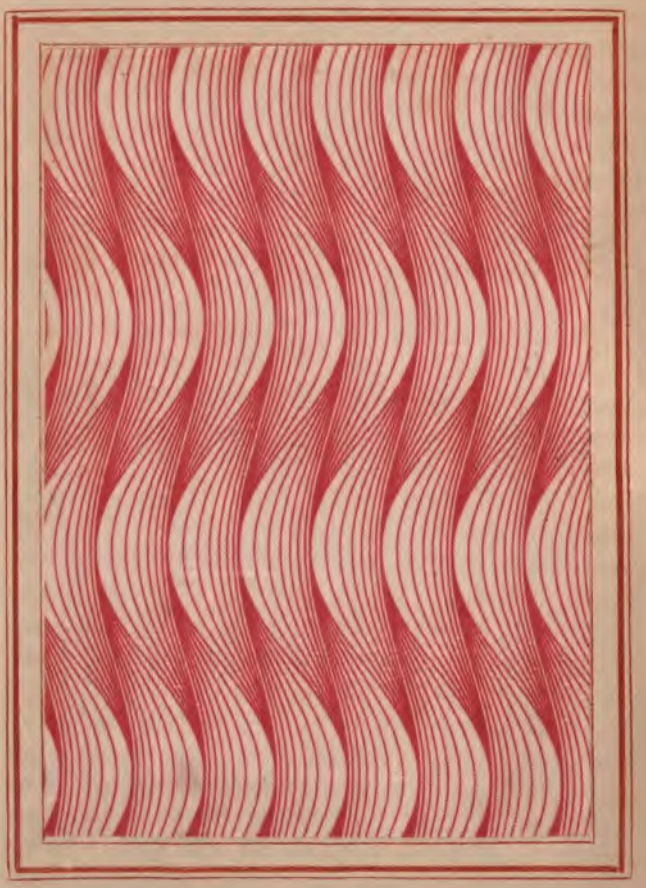
7308. Although they took their ideas from patterns you gave them?—It is the combination of arrangement that constitutes the novelty.

It is a remarkable feature in the opposition to this

measure, that its opponents, almost without exception, seem to have had not the most imperfect perception of the merit which attaches to this unseen and mental process of "arrangement and combination;" and the least pleasing feature of the investigation before the committee was to find each successive witness avowing his inability to perceive the beauty and importance of that delicate species of talent, which by a graceful disposition can produce the most ingenious and elegant forms out of the most simple and ordinary materials. The only elements which seemed to enter into their calculations, in estimating the value of a design, were the leaves and flowers which nature has supplied in gratuitous profusion, and the crude cost of paper, paint, and wages for reducing them, as they seem to think mechanically, to a pattern. It is painful to find gentlemen of wealth and eminence under such a misconception, denying to genius even that modicum of praise which is, perhaps, sweeter than its humble earnings, fixing the value of its efforts at the fractional parts of a penny, and sinking the mass of its productions below the level of things that are worthy of protection."* "The perfection of art," says the aphorism, "is its concealment;" and to such a point has it arrived in the present instance, that even its very existence has come to be questioned. Nay Mr. Brooks goes so far as to deny even *originality* itself! and protests that in thirty

* Mr. Kershaw, 3623, &c. Mr. Lee, 4405, &c. Mr. Ross, 5492, &c.

I



HOYLE'S WAVE.

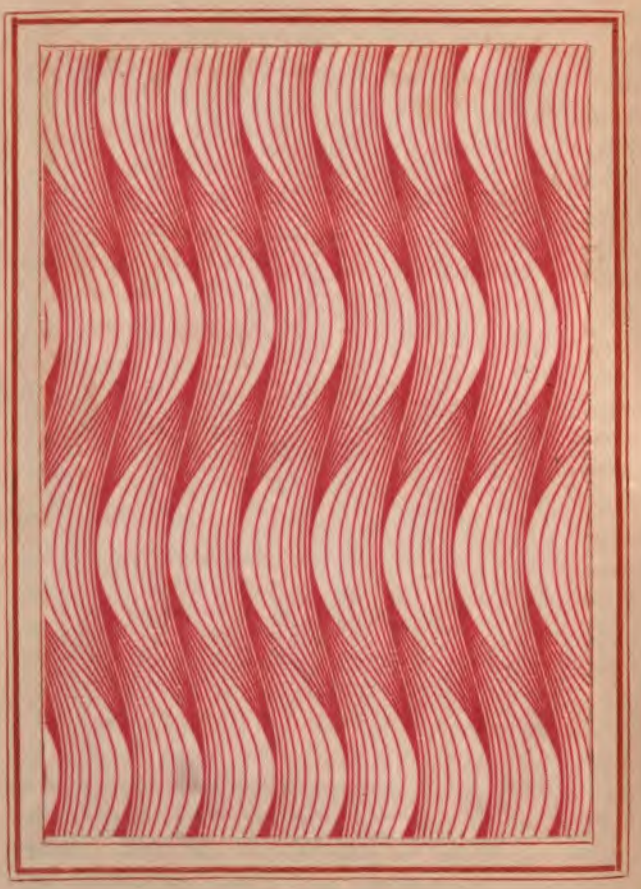
years which he has been in the trade he never knew but two original designs amongst the millions that have been produced:* one called the Diorama, published by Messrs. Simpson and Co., of Foxhillbank; and the other known as Hoyle's Wave, produced by Mr. Perkins, the inventor of the steam-gun, in his eccentric lathe. Mr. Brooks's conceptions of what constitutes originality, must, however, be somewhat peculiar, when it is stated that the latter of these is in reality a variation of one previously known in the trade as Lane's Net; and the other, the Diorama, the result of an accident in the process of printing, in consequence of a crease in the cloth, by which the design, originally a parallel stripe, was repeated at an angle, and produced a new and unexpected effect. In order to show how imperfect are the conceptions upon this subject entertained by the opponents of the measure, I have procured drawings of these two patterns, and trust to the reader's own experience to decide upon these exclusive claims to originality.

The frontispiece No. III., to the present volume, represents the original Diorama pattern, produced by the accident I have described, and having in reality no more of design or invention in its sudden production, than the fantastic forms assumed by molten lead when poured into water.

The Plate, No. I, represents the other pattern alluded to by Mr. Brooks as an original, *Hoyle's wave*—but a glance at the Plate No. II, will satisfy

* See Evidence, 684, 814.

I



HOYLE'S WAVE.

years which he has been [illegible] but two original designs [illegible] have been produced: [illegible] lished by Messrs. Simmons [illegible] and the other known as [illegible] Perkins, the inventor of the [illegible] lathe. Mr. Brooks's [illegible] originality, must, however, [illegible] when it is stated that [illegible] a variation of one previously [illegible] Lane's Net; and that [illegible] of an accident in the process [illegible] quence of a crease in the [illegible] sign, originally a [illegible] angle, and produced [illegible] In order to show how [illegible] upon this subject [illegible] measure, I have [illegible] patterns, and trust to the [illegible] decide upon these exclusive claims to originality.

The frontispiece No. III, to the present volume represents the original Diorama pattern produced by the accident I have described, and having as much originality no more of design or invention in its subsequent production, than the fantastic forms assumed by molten lead when poured into water.

The Plate, No. I, represents the other pattern alluded to by Mr. Brooks as an original, Hughes's ware—[illegible] Plate No. II, will satisfy

the reader that it is a variation by means of Perkins' eccentric lathe, of a previous successful idea, known in the trade by the name of Lane's net; and it is even possible may have been as *accidentally* fallen upon as the chance which threw out the Diorama!

A careful scrutiny of these four plates will suffice to satisfy the reader of the imperfect qualifications, and even the inadequate acquaintance with the economy of his own manufacture, with which Mr. Brooks came prepared to discuss the question of identity and originality.

### Objection 3.—*That the copyist will be injured by the suppression of copying.*

The abolition of piracy has been objected to on the ground of the pecuniary injury which it will inflict upon the copyist and the man of limited capital, who now subsists, wholly or in part, upon the designs of others. But whilst it is admitted upon all hands that the original producer is the individual best entitled to protection, inasmuch as on him, not only the copyist, but the very existence of the trade itself is dependent, it is difficult to discover *in the evidence of the opponents of extension* the grounds of any hardship with which he is likely to be visited; the facility he now enjoys being confined, as *they* contend, to the use of a minute portion of his neighbour's capital alone, whilst the injury he occasions to the latter affects the entire economy of his business, and saps the very foundations of his trade. Designing, they

assert, is a matter of infinite facility and ease; and materials and ideas for its exercise are to be found in boundless variety in the objects of nature and the infinite combinations of art. Mr. Brooks compares the fecundity and facility of invention in the artists in his own employment "to a spring in a hill, which if emptied at night is found overflowing in the morning."*

Nor can expense be an object, as Mr. Kershaw† calculates his own designs to cost him on an average only 8*s.* per pattern, or about $\frac{1}{2}d.$ or $\frac{3}{4}d.$ per piece on his entire production. Mr. Lee‡ estimates his at even less, calculating their value to be only $\frac{3}{8}$ to $\frac{7}{16}$ of a penny per piece, or about $\frac{1}{192}$ part of the value of the cloth, and $\frac{1}{352}$ part the value of the printed article when fit for sale; and Mr. Ross§ conceives $\frac{5}{8}$ of a penny to be the full value of his.

At the same time the copyist's profit will be increased by the change. Mr. Brooks admits that his motive for abandoning copying was because he found more money was to be made by the production of originality.‖ And Mr. Stirling states that Mr. Henry's house, of Dublin, found it their interest, even before the introduction of a copyright into Ireland, and when English patterns were allowed to be freely used in that country, to betake himself altogether to

* Mr. Brooks, 684-5, 1445-6, 1528.
† Mr. Kershaw, 3623, 3637, 3646, 4648, 3657.
‡ Mr. Lee, 4405, 5015, 4947.
§ Mr. Ross, 5492, 5528.
‖ Ibid. 969, 835.

the production of original designs, as he found that he could raise the character of his house by so doing, and he has since continued from time to time to increase his staff of artists.*

An additional inducement will also be in the protection which the copyists will themselves enjoy, in having their designs defended from the piracy of others, and in the increased demand which the passion for novelty in the public mind will excite for a new pattern, in preference to a copy of one to which the eye is already familiarized; and the trade once convinced by experience, not only of the facility, but the advantages of being original, will of itself be brought to see the prudence and propriety of abstaining from the infringement of the law, which would speedily become as effective for the protection of the artist in these countries as it has been found to be in France.

But, besides, the man of small capital, to whom even the trifling cost of original designs would be an obstacle, if emulation will not spur him to aim at originality for himself, will still have an ample field for his industry in those branches of copying which the law will justify and permit; namely, the entire range of French and European designs, which will be still open to him to adapt and appropriate; as well as those designs of English printers of which the copyright has expired, but the sale and demand for which may survive it for years.†

* Mr. Ross, 3250, 3494.

† See Evidence, 1667, 1696 to 1705, 1667, 1696, 1968, 2836.

OBJECTION 4.—*Fear of injury to the retail trade.*

Another apprehension is on behalf of the drapers,* who, it is feared, would be rendered timid in making their purchases, from the fear of being involved in law proceedings for the selling of articles of which the copyright was contested.

But as the draper will then have the power of ascertaining that each piece he purchases is duly registered and stamped by the printer from whom he buys it, he will, in all cases, be enabled to protect himself; whilst the risk apprehended will certainly be less under a system where copying will be discouraged and put an end to, than under one in which it prevails to a great extent, and utterly unchecked by the intervention of the law. Besides, a draper will always be enabled to exercise a due caution as to the character of the printer with whom he deals, and to look closely to the stamp of the register on the goods which he receives from him.

OBJECTION 5.—*No newly arisen necessity for extension.*

Again, it is alleged, that for fifty years the system has worked well, and that there is no reason now for seeking an alteration, beyond that which existed at former periods.†

* Ibid. 4441, 3675, 4648, 7859. Mr. Lucas, 6016.

† Mr. Kershaw, 3886.

But the trade, in the meantime, has increased with surprising strides, and in the same proportion the evil complained of has increased along with it.* And whilst designing, which is altogether a mental process, has not been facilitated to the original producer by any mechanical inventions, the discoveries and improvements in machinery and chemistry which have taken place within the same period, have materially accelerated the rapidity with which a copyist can imitate and reproduce his designs.†

Mr. Ross, whose testimony before the Committee was strongly opposed to the proposal of extension, has since, however, supplied in the following passage from a pamphlet which he has recently published on the subject,‡ one of the most pungent illustrations of its necessity. "I fearlessly assert," he says, "that in no branch of British manufacture has there been so great a degree of skill, invention, and enterprise evinced. The cost of production has been diminished to an extraordinary extent, and the commerce of the country immensely increased. The calico printer can now produce at one operation by machinery ornamented fabrics in four and five fast colours, of a character which a few years ago would have been deemed altogether impracticable. Styles which recently required the hand labour of the block, are now

* Lee, 4607.

† See Evidence, 334, 346, 391, 486, 2462. Ross, 5600.

‡ The Evils of an Extension of the Existing Copyright, *a Letter to the Vice-President of the Board of Trade.* By William Ross. Manchester, 1840. p. 9.

easily accomplished by engraved copper rollers. The block printing itself has lately undergone great changes, three, and sometimes four colours, being imparted to the calico by one deposit of the block, instead of the colours having to be introduced at separate times and by separate deposits. The block cutting, moreover, is now become an item of cost considerably less in amount than formerly, a system of casting the designs in type metal of a peculiar kind having been introduced, and the elementary portion of the design, called "a sketch," having only to be cut as a mould. In the art of engraving, both by what is technically termed the "mill," and by etching with an acid, the progress during the last twenty-five years has been wonderful. Patterns, each of which at one time could not have been engraved under 40*l.* can now easily be accomplished for one-fourth of that sum, or less; and designs can at present be produced on copper rollers, which a few years back it would have been thought visionary to attempt. At the present time, while I am engaged in addressing you, an engraver in this town is employed in producing designs upon copper rollers for calico printing by *electro-magnetic agency* — a most interesting and entirely novel application of science, and one that promises to be of signal value."

The recent and marvellous improvements and inventions alluded to by Mr. Ross are amongst the leading incidents which have rendered the extension of the copyright indispensable. Fifty years ago, when every process was slow, and workmen in-

expert, when the use of steam was little known, and Perrotines undreamed of, when engraving was achieved by the laborious instrumentality of the hand and the graving tool, and when mills and electro-magnetism were as yet in the womb of science, it may have been amply sufficient protection to the designer of genius and originality to give him a start of three months in the race of competition with the pirate, who, with his lumbering machinery and toilsome processes, would vainly strive to overtake him; but now, when, on Mr. Ross's own showing, the ordinary march of centuries has been achieved within a few short years, and when Spencer, Jacobi and Palmer have literally taught the copyist *to engrave his roller by a flash of lightning*, it has become imperative to re-adjust the scale to suit the altered circumstances of the times, as the only means to preserve to the original inventor that protection which the law has promised him.

OBJECTION 6.— *That the amended law will be inoperative.*

Of all the arguments adduced against the amendment of the copyright, this is the most remarkable, as coming from its opponents, who, after alleging apprehensions of the most formidable consequences to follow from it in every conceivable shape, accompany their warnings with an intimation that the amendment is a mere work of supererogation, and will never be productive of any results whatsoever! They urge that,

even if the term be extended, the law will still be inoperative, inasmuch as the temptation which now exists to an infringement of copyright within three months, will be increased by the enlargement of the term to twelve months, whilst the means of prevention will still remain the same. But the present inefficiency of the law for the prevention of copying, arises from the indifference of parties to incur the cost and labour of resorting to it for redress for so inadequate an advantage as the residue of a term of three months, whereas an extension to twelve months would render the object so much more important, that the law would be more regularly appealed to and more vigorously exerted.

Mr. Lucas, however, a great proportion of whose export trade consists of copies, conceives the new law would be effectual, and that he could no longer find a printer in Manchester who would venture to engrave one of his orders for such goods. And Mr. Schuster is of opinion, that the operation of the law will be such as to "discourage copying in every shape,"* to eradicate the habit, and at the same time to "destroy the inducement" to it, by compelling every man, instead of the present indolent custom "of resting in idleness and copying the patterns of others, to arouse himself and create designs for his own use; that necessity would compel him to do so, and necessity is the mother of invention."

But here again, I point to the example of France

* Schuster, 1327.

and the effectual operation of the copyright code in that country. Here the result has been perfectly satisfactory, and an attempt at an infringement of the law is certain to be followed by detection, conviction, and disgrace.

"I learn," says Mr. Thomson, "that there has not been in France a case of piracy since the year 1832, when a prosecution was instituted by the house of Gros, Odier and Co, of Paris, against the mayor and deputy of Rouen, and his partners, for copying. The high rank of the parties on both sides, gave an interest to the case, extrinsic to its own merits. The defendants were convicted, and damages awarded against *each*, of 2000 francs, besides the expenses of the suit. The goods seized in the warehouses of Paris, were confiscated, and placed at the disposal of the plaintiffs. One hundred copies of the judgment of the court were printed, and posted in the manufacturing towns of the kingdom; and its insertion in two of the public journals, at the choice of the plaintiffs, was ordered! By such means, this property is now rendered as secure and inviolable as any other property in France."*

The law, it is perfectly true, will not, any more than a law upon any other subject, effect *all* that might be required for the full advantage of the original inventor; it will not, for instance, give him an exclusive property in the *style* of his patterns as well as in the individual pattern, a protection to which Mr. Ross thinks

* Letter to Sir R. Peel, p. 52.

him equally entitled in the one case as in the other;* but, which it is manifest, whilst it would augment the gains of one individual, would circumscribe the limits within which it is desirable that public taste should be encouraged to develope and expand itself.

In one department, it is true, copying may still exist notwithstanding the restraint imposed by the letter of the law, and every vigilance exerted by the printer, namely, *in the clandestine infringement of copyright in goods designed exclusively for exportation*, and which it may still be practicable in spite of law, to print with secrecy, and to ship for foreign countries by means of a conspiracy for that purpose between the exporter and the calico printer, who lends himself as a party to the fraud. But independently of the fact, that in practice, a successful attempt of this kind is barely within the range of possibility, detection must in some cases occur, and damages follow, either by discovery of one or other of the parties, the pirate or the merchant, or by tracing the goods through the records of the Custom-house, from the retailer abroad to the shipper at home, and then claiming the vindication and redress of the law.† But even were this in every case impracticable, and the injury capable of being perpetrated with impunity, it is surely no argument against the institution of a salutary enactment that in some cases it may be impossible to enjoy the full benefit of its provisions; nor is there any law, however rigorous and wise, which may not be and is

* Letter to the Vice President of the Board of Trade, p. 6.

† Stirling, 3593, 3596.

not in some cases disregarded and violated without the power of detection, and beyond the reach of punishment. And if in every other branch of his trade, the law will afford security and redress, the fact that in one case alone it will fail to benefit the printer, should not operate to deprive him of its services in all.

## CHAPTER XI.

### GROUNDLESS APPREHENSION OF INJURY FROM FOREIGN COMPETITION IN THE EVENT OF EXTENSION OF THE COPYRIGHT.

THE arguments used by the opponents of extension were, as I have said, distinguishable into two classes; one with reference to the economy of the manufacture in general, and the *home trade* in particular; the other with exclusive regard to *foreign competition.* The former class of arguments, which will be found in the preceding pages, were early in the proceedings of the committee abandoned by the authors as untenable, and the latter stages were exclusively devoted to statements regarding the nature and the cost of production, and the extent of sales in those countries which share with us in the process of printing calicoes. On these they were latterly content to rest the entire merits of their case. Mr. Lee, in fact, states that, "for the home trade he had no apprehension whatsoever" in the event of the extension of the copyright, and that his objections to it were confined to its effects upon foreign trade alone.* And Mr.

* Lee, 4527

Ross, who followed him, declares his principal fear for the effect of extension to be on the ground of foreign competition.*

On this point the argument most forcibly urged against the policy of extending the term is this,—that the tendency of the step will be to create a "monopoly" in the hands of the original producer; he will thereby be enabled to exact *exorbitant prices*, such as a foreign merchant cannot afford to pay; and that the exporter in such a case being unable to obtain copies of his goods from the pirates on lower terms, as he can do at present, will turn his attention to foreign countries which print in competition with us, and to whom it will still be open to re-produce our designs, who will thus have the power of supplying neutral markets, or even our own, with similar goods, to the prejudice of the general trade of England, which will to that extent be undersold and supplanted.

This theory rests upon three distinct propositions, each of which is a distinct fallacy—first, that a copyright creates "*a monopoly;*" an error which I have sufficiently exposed in a foregoing chapter.† Secondly, That the monopoly will lead to the imposition of ruinous "prices;" a link of the argument which, as it is attached to the former, naturally falls along with it, even if correct, but which is equally demonstrated in the same section to be a delusion. And, thirdly, That foreign countries can produce printed

* Ross, 5740, 5789. † Chapter X. p. 97.

calicoes *on so much more favourable terms* as effectually to oust English producers from neutral markets, which is the only point, the utter fallacy and impossibility of which I shall now proceed to demonstrate.

But here, again, I would entreat attention to the fact that this latter assertion, even if true in all its parts, even if it were demonstrated past the shadow of a doubt, that a preference were given in foreign markets to the produce of our rivals before our own, so far from being a reason *against* the policy of an effectual copyright, it would be the most pungent of all arguments *in its favour.* Copyright, generously and judiciously applied, has secured a sale for the productions of France almost independent and regardless of price. They, *the dearest in the world,* find, notwithstanding, an eager demand in England, in preference to her own, which are the *cheapest;* and in the markets of Belgium and Germany, where economy is even of greater moment with the consumer than in Great Britain, the muslins of France can be readily disposed of for double and triple the prices of their own native productions. The source and the secret of this lies in the fact that as they are *the most elegant and the best,* the refined and the wealthy *must* have them in preference to all others; and these are easily reconciled to the necessity of paying a higher price for them in the market, by the internal evidence which they bear of the superior ability, labour, and capital which they require to produce them. The mere element of *cheapness* alone is not therefore the sole arbiter of success. If, then, in addition

to her own unequalled advantages in the cost of production, arising from her national position, England could combine that superiority of design, which is only derivable through cultivation and copyright, even France herself must in turn yield to her double superiority. And if in the mean time, with her undoubted means of selling at lower prices other nations, her inferiors in every detail of production, are threatening her with their rivalry, the necessity becomes the more pressing and imperative, to adopt with promptitude and vigour, those expedients which *experience* has proved to be the best promoters of that superiority which she dreads in her competitors, namely, their ample protection, and *their comprehensive copyright.*

### *Sect.* 1.—*Circumstances that have created the Alarm for Foreign Competition.*

That through almost all those countries of the Continent that aspire to be manufacturing, there has been for the last twenty years a growing and visible improvement in every process, every individual who has visited them is quite prepared to admit; and states which were formerly dependent upon others for their articles of daily consumption, have now begun to produce for themselves. But there is in this fact nothing incomprehensible or extraordinary; it is no evidence either that England is retrograding, or that other nations, in imitating her, are at the same time surpassing her: it is in fact nothing more or less

than the ordinary onward march of human improvement. Those countries were for twenty years before so devastated by war and revolution that the peaceful pursuits of trade were placed in utter abeyance: from 1794 to 1815, these very nations were overwhelmed with every calamity that slaughter and the sword can inflict; and amidst such horrors and commotions trade and its processes were in a great degree suspended. England in the meantime, safe on her insular position, and her artisans protected by her fleets from interruption, exhibited in her internal pursuits nothing but an increased activity,—and her colonial and home consumers being unaffected by the war, and driven by it to a closer reliance upon her productions, her manufactures proceeded as calmly in the midst of hostilities as if all were halcyon peace without. But with the actual restoration of peace, commenced a new era,—the commerce and manufactures of rival states again returned to their wonted channels; agriculture, arts, and industry revived; "the sword was converted into the ploughshare, and the spear to the pruning-hook;" and the energies of the national mind and the resources of their several countries have since undergone nothing more than their accustomed development.

People seem to be amazed at this, and despondingly affect to discover in it proofs that England is rapidly to be distanced in the race of competition,—they appear to consider it an invasion of some prescriptive right, by which the "nation of shopkeepers" was to be *the only* manufacturing country in Europe.

Other nations, however, have discovered that nature has gifted them with abilities and resources, if not identical, at least analogous to those of Great Britain, —they have artisans of genius and dexterity, and if their coal and iron are neither so abundant nor so cheap, they yet possess the raw materials of numerous manufactures, which England is utterly without. Are we to be either astonished that they avail themselves of these; or "frighted from our propriety," because they exhibit the usual progress of intellect and skill?

*But is England in the meantime, asleep?* Has she been making no advances, so as, notwithstanding the simultaneous march of other countries, especially to preserve the relative distance between herself and them? Even in the single department of calico printing alone, inventions have been made and are now in hourly action, that, twenty years ago, would have been smiled at as the dream of enthusiasts; and Mr. Ross, in his evidence before the committee of the House of Commons, declares, that not only are the improvements surprising in those processes which were practised before, but that they now produce with facility, and at a trifling cost, whole styles, which the imperfect nature of their knowledge precluded them from even attempting, twenty years since.* Other nations have begun to imitate and accompany her, it is true, but at a respectful distance; and either Belgium or Prussia, which are the foremost in their

* Mr. Ross's Evidence, 5600.

advances, would readily confess that "sequitur patrem *non passibus equis.*"

But independent of this consideration of the simultaneous advancement of mechanical skill in this and other countries, it is evident that any improvement made in the construction of MACHINERY on the Continent must be, as is admitted, "*totally independent of the question of the copyright of* DESIGNS," and utterly apart from its consideration; and even had foreigners greater inducements to copy our patterns than, from their manifest inferiority to the French, they now have, (whilst their power to do so is unrestricted,) that licence could in no degree make amends for their other deficiencies, or place them on an equality with England in fuel, cloth, highly-perfected workmanship, and almost unlimited command of markets, which enable her at present to undersell every other country of Europe.

*Sect. 2.—The Export of Engraved Copper Rollers to other Countries, another source of needless Alarm to the English printers.*

The alarm for foreign competition, when seriously felt, is likewise attributable to the anxiety which foreigners lately evinced to obtain engraved copper cylinders from this country, and the extent to which these are stated to have been exported to Germany and North America,—and English designs, it is represented, are thus sent abroad for use, in compe-

tition with our own printers, almost simultaneously with their publication in this country.

The fallacy here, is in the delusion, that other countries purchase these articles, from an admiration of English *designs* in general, and a desire to thus get possession of them indirectly, whilst the real object is to avail themselves of our superior execution; (for which purpose the Prussians and Germans actually send *their own designs* to be *engraved* in England,) and likewise to obtain a particular style of design known by the name of "*excentrics*," in the production of which England surpasses every other nation in the world. The very fact of their sending from such a distance for these articles, is but a proof of the confessed and admitted superiority of England in their production—and in evidence of this, *they pay a price for them* higher than they can be had by an English printer.

These statements, with regard to *the higher cost* of these articles to foreigners, I have made it my business to inquire into from themselves; and in every instance, the information which I received, both in Belgium and in the Prussian league, confirms the evidence given before the committee. The printers themselves declaring that the extra expenses for packing and carriage, for duty and risque, amounted to, at least, 50 per cent., before they could produce a single impression from them in their works. One gentleman in Saxony, informed me that from this cause he had discontinued their use altogether.

In Prussia, where they were imported some time ago in considerable quantities, I learned the real state

of the case as regards them. The "excentric" designs with which they are engraved, are a species of engine turning, such as is sometimes used for the ground work of country bank notes, produced by the mechanical instrumentality of the excentric chuck whence they derive their names. The entire surface of the roller is covered with these ground works, and upon this is again engraved by the hand or the mill any special design which is desired. Sometimes the rollers are exported simply with the excentric ground work, and sometimes the foreigner, in ordering them, chooses the ground and sends also *the design* which suits the taste of his own market and country to be engraved upon it. *The ground-work*, therefore, is the only object he is in quest of, and this is common to the designs of both countries.

*But the taste for these "excentrics" is like every thing else in the trade, transient and temporary; it has already had its run in Germany, and the passion for it is over; and when I was in Berlin in October last, I was told that there were then two agents from England in the city for the sale of copper rollers, but that they were unable to make sales or to take orders for them, as the style was exhausted, and the public required something new.*

### *Sect.* 3.—*English Designs not available to Foreign Printers.*

The alarm for foreign competition, in the event of the English copyist being arrested in his proceedings, whilst

the continental one would still be able to reproduce fac similes of English designs, is easily demonstrated to be a groundless panic. The copies of them by a foreign rival must be made for one of two purposes—either to send them into the same markets which we supply, in direct competition with our own—or otherwise to make use of them for their own home consumption in the countries of Europe. But in order to attempt the first with success, it is not sufficient for the continental printer to have merely the same design with ourselves; he must also be able to produce it upon *lower terms*, in order to oust us from the market, the *impossibility* of which I shall presently exhibit. Again, to effect a sale for these in their own markets at home, they must of course rely upon their beauty of *design*. But as in this respect they are inferior to those of France, which are equally accessible to the printer, he will of course be disposed to avail himself of that which the universal appreciation of Europe has stamped with its preference.

Mr. J. Lockett, who has personal knowledge of the taste of almost every country in Europe, from engraving rollers for their use, states, that the demand for French designs is universal, the few English which he has ever furnished forming merely the exception to the rule. Out of 300 patterns engraved within a year for France, Germany, the Netherlands, Prussia, Russia, Saxony, Silesia, Italy, and Spain, not more than six could "by any stretch of imagination be supposed to be English," and the remainder either French, or those ground works peculiar to himself, and known

by the name of "excentrics." Mr. J. Lockett also states, that having exhibited his specimens of English designs with a view to taking orders for engraving in the course of his visits to the Continent, "they have admired them for their execution, but quite ridiculed the idea of his getting an order for them."*

Under these circumstances, even were foreign calico printers so far to gain upon us as to supersede our superiority in machinery, still they would have no temptation to appropriate our designs, and no advantage in doing so, a conclusion which is clearly put in the following evidence of Mr. Ross.

"5591. *Chairman.* They are at present superior to us in design?—They are.

"5592. Are we superior to them in machinery?—We are, decidedly.

"5593. Supposing they brought their machinery to an equality with ours, where would they then gain in copying our inferior designs?—*I do not see it.*"

In support of these views, it is distinctly asserted, that however our copies of French designs may interfere with theirs in neutral markets, our trade is not interfered with by any foreign copies of our own patterns, nor is there any ground for apprehending that it can.†

Mr. Schuster, a gentleman examined by the Committee, who exports to every market in the world to

* Mr. Lockett's Evidence, 6801, 6806, 6814, 6865, 6868, 6887, 6893-4, &c. 6927, 6811.

† See Evidence, 4157, 439, 440, 1409, 1009, 1891, 1256, 1265, et seq.

which printed goods are sent, says distinctly,* that whilst the French alone compete with us successfully in design, owing to the efficiency of their copyright, and the encouragement which it holds out to the advancement of art, they and every other nation are far our inferiors in the facility and the cost of production, and he avers that "within his experience there never appeared any pattern produced in a foreign country, in imitation of an English one, in competition with his own, nor did he ever hear of such a case; nor is there any ground for apprehending that any such evil would arise if the copyright were extended."

Mr. Lucas, an exporting merchant, in answer to a question as to whether England has a firm hold of the export trade at present, declares she has "$\frac{97}{100}$ parts of it," and that he "has never found in exports anything of which he had to complain, in the way of foreign competition."†

But whilst the opponents of copyright admit the correctness of these facts as regards the higher classes of production, in which English designs are not copied in any country but our own, our taste is represented to be so much more suited to the homely and medium styles which are the grand staple of foreign export, as to be copied by the printers of

* 8389, 8479, 8534, 1370, 2456-7, 6837, 1725, 1412-13, 1669, 1670-1-2-3-4. Kershaw, 3923-4-5-6, 1490, 1718, 3050, 1256, 1265, 1388, 1392, 1269, 1425.

† 6065, 6116, 18.

Germany,* Prussia, Belgium, and the United States, who are as inferior to us in those lower styles, as the French are confessedly our superior in the higher.

But the correctness of this statement is contested, and the existence of such copying at all has been questioned by parties equally entitled to credit and consideration;—in two instances only has any evidence of the fact been tendered to the committee, by the production of one German copy from an English pattern, by Mr. Kershaw, who had taken much pains to investigate the subject, and another by Mr. Ross;† and the documents which I shall presently submit, furnished by various gentlemen engaged in the print trade on the Continent, abundantly confirm the fact that English designs, as a general rule, are *rejected on the Continent as utterly valueless to them, and unsuited to their purpose of reproduction.*

### *Sect.* 3.—*The Demand for Novelty will prevent Foreign Copying.*

The same taste, also, for novelty which prevails in the home trade,‡ influences in a remarkable degree the foreign trade likewise; so much so, that all the great houses engaged in it declare their inability to effect continued sales of the same pattern, but are driven to a perpetual succession of varieties. Mr.

* Mr. Kershaw, 3763-4, 3773-8, 3779, 3770, 3796, 3797-9.
† Mr. Ross, 5466, 5497, 5108.
‡ Ante, p. 25.

Kershaw, Mr. Brooks, Mr. Ross,* and Mr. Lee, *export nothing* but original designs, nor is there a demand to any extent for any other. *This, therefore, being the case, and copies not in request, it is difficult to see how the trade of this country is to suffer by a change which will prohibit the production of an article which is not practically in demand.* And even if the foreigner were enabled to compete succesfully, in point of price, with the English producer, he would find it infinitely more advantageous to enter upon this competition with *new* designs of his own invention, than with mere copies of those of his British rival; the former being always certain to be preferred to a copy of any old pattern, no matter how decidedly a favourite,

### *Sect.* 4.—*The Inability of Foreigners to compete with England in Cheapness of Production.*

Were the trade of calico printing one of manual labour alone, and in all its branches perfectly independent of mechanical facility, the smallest producer in one of the obscure German states might no doubt be enabled to sell his modicum of manufacture, at as low a cost as the largest house in Lancashire; but in a contest with machinery, even supposing the full cost to be the same to both competitors, the individual who can sell most must inevitably be the one who can afford to sell cheapest;

* Mr. Ross, 6236-7-8, 6334, 6259, 1415-16-17, 1440, 7070.

therefore, in addition to her other advantages, England must have this superadded, that extent of production being the grand regulator of cost, she who produces for almost every market in the world must necessarily be enabled to sell at a lower price than they who produce only for their own, and even for the partial supply of it, take a proportion of her produce from herself.

It is by this consideration that the danger of foreign competition is to be weighed, inasmuch as those goods which are suited for export, and which are always of a medium class as regards design, are produced chiefly by machinery, in the economical use of which we excel all other nations.

The persons interested in the cotton trade in Belgium have laid down this principle with sufficient precision in a petition presented to their government this year, in which they detail *the ruinous condition* of their trade from foreign competition. The first signature to this document is that of M. de Smet de Naeyer, an eminent calico printer of Ghent. After alluding to the difficulties of their trade they say, that they find it decidedly impossible longer to sustain a contest—"The struggle must be mortal to us in the long run ('la lutte nous deviendra mortelle à la longue'). And how can it be otherwise? We open our home market to our neighbours, whilst they carefully close their own against us. Here is one constant source of our inferiority; our rivals thus realising advantages at home, that enable them to come and undersell us in

Belgium. THE TRUE ECONOMY OF ANY MANUFACTURE IS TO PRODUCE THE GREATEST POSSIBLE QUANTITY IN THE LEAST GIVEN TIME; and our consumption is the least conceivable, reduced as it is by the importation of foreign goods among us. In calico printing the cost of engraving a roller is the same in England, France, and Belgium; but with the same roller the English print five thousand pieces, the French five hundred, and the Belgian only fifty. Impressions upon cotton are upon the same footing with impressions upon paper; the book which sells a vast number of copies can be sold for almost the price of the paper, and in like manner the printed goods which arrive in our market from England and France can be sold for the cost of the calico in Belgium."*

This principle, as attested by sad experience in Belgium, must be equally applicable to every other country which shares in the production, in proportion to the relative numbers of its population. And so strongly is the superiority of England felt in this particular, and so sensible are they of the danger of competing with her in price, that British printed calicoes are *actually prohibited* in France, Austria, and Russia, and admitted into Germany and Belgium only under a duty of fifty dollars the hundred weight, which, on a medium piece of goods, the price

* Memorial to the Belgian Government from the members of *La Commission Directrice de l'Association, en faveur de l'industrie Cotonniere.—Ghent*, December 15, 1839.

of which is above *fourteen* shillings, the entrance duty alone would amount to *six!* Yet, notwithstanding this, our exports to Germany of cottons printed, dyed, and woven, appear to be no less than 26,000,000 yards per annum, a quantity which they must either consume at home, or dispose of to other countries on terms more advantageous than their own, else it is impossible to account for their importing nearly a similar amount on an average during the last ten years. It has been latterly increasing; and I was informed at Leipzic, that at the autumn fair in the present year the quantity of English calicoes sold was considerably higher than in any recent preceding one.

Besides this, Mr. Barbour, who has the most extensive experience of the foreign market, has stated in his evidence, that whilst French prints are preferred in foreign markets for their superior excellence of design, their goods are frequently sent from these countries to England to be copied and reproduced for export, which we are enabled to do at a cheaper rate than the original printers; a circumstance which is confirmed by the concurrent testimony of Mr. Potter and Mr. Schuster.*

Mr. Thomas Lockett, however, another witness examined by the Committee, in speaking with regard to the comparative cost of the production of calicoes on the Continent and in Great Britain, is of a contrary opinion, and says, that so far from the balance being

* See Evidence, questions 8398, 8516, 1565, 1567, 1725, 1100.

as had been stated to the Committee,* 25 per cent. in favour of England, it is more probable that our continental neighbours can now produce 25 per cent. lower than ourselves; a conjecture which it is difficult to reconcile with the fact that notwithstanding their high protecting duties, we have for the last ten years exported to these very countries of which he speaks, namely, France, Holland, Belgium, and Prussia, no less than 12,890,415 yards of printed and coloured calicoes on an average per annum. The goods so imported, it it is clear, must have been taken for one of two purposes, for home consumption or for transit and re-export to other countries. If the former, it is at once a sufficient answer to the alleged superiority in the cheapness of production on the side of our continental neighbours; and if the latter, it must show an advantage on the side of British produce, when, notwithstanding protecting tariffs and the cost of importation, it is selected by them for the purposes of trade in preference to an equal quantity of goods of their own production.

During the very period also to which Mr. Lockett refers, the returns to the four countries he has named (for whatever purpose our goods may have been taken, whether for transit or actual consumption), so far from a diminution, exhibit a very material increase in our exports of coloured and printed cotton goods, they having doubled their amount in the five years from 1830 to 1835, arising from 7,000,000, in

* See Evidence, No. 8847.

round numbers, to 14,000,000; and in January 1840, showing a further addition to this of 2,000,000 more, as will be seen by a reference to the following extract from the official returns.

The amount of our exports of dyed and printed cottons to Prussia, Holland, Belgium, and France were, for the year ending 5th January—

| | | |
|---|---|---|
| 1831 ..... | 7,052,116 | yards. |
| 1832 ..... | 7,546,094 | do. |
| 1833 ..... | 10,129,475 | do. |
| 1834 ..... | 12,936,500 | do. |
| 1835 ..... | 14,831,832 | do. |
| 1836 ..... | 14,904,448 | do. |
| 1837 ..... | 14,374,471 | do. |
| 1838 ..... | 14,837,108 | do. |
| 1839 ..... | 16,046,169 | do. |
| 1840 ..... | 16,245,941 | do. |

But totally apart from our exports to those countries of the Continent which share with us in the manufacture of printed cotton, the fact of our superiority in economy of production must be clearly established by our successful and increasing trade with those other non-producing countries, whose markets are open to our rivals equally with ourselves, and which it would be competent to them to supply rather than us, were it the fact that they can undersell us, as has been alleged. So far from a diminution, our exports to these markets also (exclusive of our own colonies, to which our foreign rivals

have not an equally free commercial access), on an average of the last five years, exhibit an increase, as compared with the average of the five preceding, of considerably more than 20,000,000 of yards, having been to the 5th January—

| | | |
|---|---|---|
| 1831 ..... | 155,520,197 | yards. |
| 1832 ..... | 134,399,645 | do. |
| 1833 ..... | 138,444,572 | do. |
| 1834 ..... | 175,170,099 | do. |
| 1835 ..... | 205,928,130 | do. |
| 1836 ..... | 200,848,927 | do. |
| 1837 ..... | 209,382,728 | do. |
| 1838 ..... | 160,399,430 | do. |
| 1839 ..... | 228,844,344 | do. |
| 1840 ..... | 226,219,826 | do. |

The fact of English superiority in cheapness of production will be abundantly exhibited in detail in the documents which I shall presently present from the printers themselves of Belgium and Germany.

*Sect.* 5.—*Groundless Apprehension of a Diminution in the general Foreign Exports of the Country, if the Property in a Pattern be confined to its original Inventor for Twelve Months.*

The apprehension of restriction, in the general export of this country, goes upon two assumptions :— 1st, that the registered proprietor of a design might be unable to supply it in such quantities as to meet

the demand, (an idea which might be entertained if the process was by *hand-labour*, to which there is a limit — and not by machinery, the production of which is almost unlimited, and by the use of which a single proprietor would have the power to meet any order, however extensive); or, 2dly, that the goods might be required for a foreign market upon an inferior cloth and at a lower price, and that the original producer might be unwilling to supply them in such a form, whilst the copyist would be prohibited from doing so, and the order would therefore remain unexecuted.

As to the second objection the present state of the law is fraught with serious injury to the trade in the very particular which would be unquestionably avoided by the amendment of the copyright system. It is quite true that a reluctance does exist on the part of a printer to put the same designs upon an inferior cloth which were originally made for a superior one, but that he is driven to do so rather than let it fall into the hands of the copyist; although it would be much more for his advantage to produce two sets of designs, each suited to a particular cloth. In fact the system of republishing the same designs upon inferior cloth operates injuriously to the general interests of the trade, not only reducing the value of the original at home, but likewise impairing the high character of British first-class goods in foreign markets.*

* See Evidence, 1655, 1098.

The practical printers who have been examined state, that in point of fact, the higher class of art which enters into designs for the finer productions of the printer, are not suited to show to advantage upon coarser cloth or in inferior colours, and *vice versâ;* and that distinct classes of design are essentially necessary to distinct classes of production. This is the opinion of Mr. Leo Schuster,* a gentleman largely engaged in the export both of fine and medium goods to foreign markets, and who declares in his evidence that "he has often found in his experience that a copyist seeing a pattern very much admired, and which is well calculated for the finer fabrics, applies it to a low fabric of cloth,—but it is not calculated for it, and he fails to produce the effect which is wanted;" whereas "were he forced to invent his own designs he would suit them to the colours he is in the habit of printing and the cloth he is printing upon." The result of which would be, not only that a greater number of designs would be produced, but likewise that they would be better suited to their purpose.

Under this state of facts as to the capabilities of the trade, even did the manufacture not adapt itself, as is anticipated, to the new order of things, by preparing separate classes of design for distinct classes of work, the probabilities are, 1st, that the original producer would have ample means to supply to the

* See Evidence, 1655, 1094, 8395, 1440, 8421, 8394, 1246, 1093, 1093, 45.

full extent, and at equally low prices, if not lower, any orders which might reach him from abroad; 2dly, that even if he were unable to do so, it being still left open to all his competitors in the trade, instead of reproducing his identical design, as at present, to produce imitations of his styles equally suited to the prevailing taste of the market, and combining the additional charm of novelty, and that these would be taken instead, if not in preference, to the original; thus the general trade of the country would remain uninjured, or would rather be increased than diminished in consequence.*

### *Sect.* 6.—*Goods of the same Style sufficient in executing a Foreign Order.*

In confirmation of this, it is stated by Mr. Joseph Lockett,† that in these medium styles, which form the great bulk of British exports in printed cottons, "identity of pattern is not an object;" and Mr. Barbour, an eminent exporter of British printed goods, states distinctly, as the result of his experience, that although repetitions of orders for the identical design are of constant occurrence, "he has had no difficulty whatever in meeting the case; similar styles and patterns can always be obtained upon a lower cloth, as well as upon that of a higher description. He does not conceive it at all essential that the precisely identical pattern should be sent out upon a

* Kershaw, 4221. Lee, 5199. Ross, 5747, 5189, 5194, 5224.
† 7072, 8531, 8398-9, 8040, et seq. 8491. J. Lockett, 6984.

better cloth and on an inferior;" and that "in cases where he has had the identical pattern ordered, he has always found it quite sufficient to send the same style of goods, but different in design, the nearest he could come on the cloth required."

Thus, if a merchant received an order from his correspondent abroad for a lot of prints in style of Plate II. which were not at the moment in sufficient stock in the market, nor could be procured in sufficient time for shipment, experience shows that it would equally suffice to send the same quantity of Plate I. or Plate VI., which, though differing in pattern, are of precisely the same "style" in design.

Mr. Lucas, who is likewise engaged in the same trade, differs in some degree from Mr. Barbour on this point, and conceives that his house, if asked for the same pattern, must supply the identical one ordered, if it is to be got; though this is not the invariable rule of his establishment, and perhaps not "one quarter" of the orders sent for identical patterns are so executed; the remainder being supplied by goods of similar style and equal quality.*

Mr. Lee,† who has put forward this point very prominently in his evidence, nevertheless declares, that the English printer has the power, if he has the inclination, to produce every description of cloth in demand, and admits that it is very unlikely that he would refuse, were a profit to be made by the manufacture of either; and even should he do so, that goods

* See Evidence, 6128, 6131, 6137, 6160.
† Lee, 5179, 5185, 5401.

II.

*Original.*



*Lane's Net*

"the nearest possible," though not identical or facsimiles, will answer the demand, as it is very rarely indeed, not in one instance in a hundred that the precisely same pattern is insisted on in sending an order from abroad, style and not pattern being the object sought.

To the general export trade of the country, therefore, it would appear that no injury is to be apprehended, the grand result being the same, whether under the amended law the original producer should export the entire amount, a proportion of which he is now prevented from furnishing by the intervention of the copyist; or whether in case the original producer failed to supply the identical pattern, the copyist should supply goods of the same style and quality, but of a different design, instead of re-printing, as he does now, the original invention of the first proprietor.

## CHAPTER XII.

### THE ACTUAL CONDITION OF THE TRADE OF CALICO PRINTING IN BELGIUM.

*Sect.* 1.—*Errors in the Statements made to the Committee of the House of Commons respecting the state of Calico Printing in Belgium.*

HAVING thus disposed of the general arguments with reference to the comparative cost of production in England, and in those countries who compete with her, I shall now exhibit the errors and misrepresentations communicated to the Committee of last session on the copyright of designs. The two principal witnesses upon these points *against* the measure, were Mr. Ross, himself a calico printer, and Mr. Lockett, an agent for the sale of machinery, both of whom expressly visited the Continent, with a view of reporting the result of their enquiries to the committee. The delusions under which they returned I do not undertake to account for, but having myself visited the various works alluded to by them, and obtained from their proprietors documents corroborative of my own observations, I hasten to publish them, in the confidence that they must effectually disabuse the

public mind of every impression which the evidence of Mr. Ross and Mr. Lockett was calculated to convey.

In Belgium, both Mr. Ross and Mr. Lockett* represent the improvements in machinery, and the advancement and prosperity of calico printing generally to be most rapid and remarkable. The latter gentleman says in his evidence, that in Belgium there are *five* print works, all using English engraved rollers, and regularly supplied them as well as with "mills," for the purpose of engraving them for themselves. That not only printing machines on the English principle, (but manufactured abroad) are in use in the principal establishments, but likewise others not used in this country, such as the Perrotine, to facilitate block-printing; and the Guillioche for producing an imitation of "excentrics." These establishments Mr. Lockett represents to be of great extent and in full operation; some of them producing work equal if not superior to any done in England, and exporting in considerable quantities in successful competition with her.

He found, however, but one designer in Belgium, of very inferior abilities; all their patterns being mere copies from French and English designs, in the proportion of more than one-half of the former. On the whole, Mr. T. Lockett speaks, he says, within bounds, that in the power of production of every class of prints, the Belgians have an advantage over England of 10 per cent. in the article of printing, but that they

* See Mr. Lockett's Evidence, 8244, 8300, 8552, 8560, 8613, 8622, 8203, 8325, 8343, 8679, 8686, 8688, 8296, 8309, 8347, 8168, 8171, &c.

labour under a disadvantage to the same extent in the article of cloth, which is 10 per cent. dearer with them than with us.

Mr. Lockett thinks that the extension of the copyright would give foreigners, generally, an advantage in being enabled to send goods to foreign markets, which no party in England but one would be allowed to produce.* Mr. Ross's evidence likewise, professing to be collected by himself upon the spot, coincides with, if it does not outdo that of Mr. Lockett. The notes of his journey he submitted as follows to the committee:

"Works of A. Voortman, at Ghent: printing business now confined chiefly to the home trade; cut patterns, and at times do not print more than twenty-five pieces of a pattern; cannot produce a sufficiently extensive assortment; considerable quantities of prints smuggled in from England and France, on account of variety of patterns being required: *M. Voortman states, that if parties will guarantee him a sale of* 150 *pieces to a pattern, he will engrave and print as many patterns as may be required, and undertake to supply any assortment of styles at* 1*s.* 2*d. per piece less than the prices of English goods. The price would average* 12*s.* 6*d. or* 14*s. of the goods that I saw.*" "Coals of poor quality and dear, but great economy in the expenditure of them; Wolfe's patent engine, made by Hall of Dartford, employed, which works high and low pressure by the same steam; the steam economized in every possible way, in the heating of the rooms, stoves, &c.; coals required in England to work

* Mr. Lockett's Evidence, No. 3813.

a 25-horse engine in the ordinary way, will here work, with their superior economy, a 50-horse engine; prime hoppers for feeding the furnace with coals; new arrangement for fire bars (Walmesley's patent); one set only sent from England; the Belgians are now constructing them themselves." "Perrotine employed for printing two colours, to avoid the expense of roller-cutting; their roller-work will average 100 pieces to a pattern; it is their custom to copy English and French patterns; saw two copies of English furnitures being cut on rollers from cloth patterns, both John Lowe and Co.'s I believe (of which firm Mr. Brooks is a partner, and has given evidence before this Committee); many single coloured furnitures; printed copies of English; have a good engraving machine; block-printing done chiefly by women; can print five pieces per day of some styles; the earnings of block-printers not more than 1*s.* a day, or 6*s.* a week; work long hours; have adopted the most improved systems of English printers, and the latest inventions of the French."

"The following is a memorandum I made of a visit to other works: Visited the works of M. de Hemptinne; not on so extensive a scale as Voortman's, but prints a better class of work; saw in his book copies of some of my own patterns; informs me that orders for printed goods have been received at Belgium on English account, shipped to London in bond, and transhipped to Havanna. De Hemptinne is very wealthy, intelligent, and enterprising; gave an order for rollers for handkerchiefs to an

English agent in my presence; does exceedingly good purples (union), equal to Hoyle's best in all respects, if not better; patterns very similar to Hoyle's: this class of goods goes to Holland. Belgium now on the same footing with Holland, as regards duty, as England. Saw some single-coloured 9-8ths, admirably printed, equal to any French; nearly all the styles that are printed are 9-8ths. Showed me the Bagdad style (shawl stripes), copied from the English; copy anything that is good and will pay; sometimes work for fifty pieces to a pattern, and think well of it: sometimes for less, but of good single colours may run off, on an average, perhaps one hundred and fifty pieces to a pattern; works very compact, and no expense spared; fair stock of rollers."

The price of *coals* at Ghent, Mr. Ross states to be 40*s.* to 50*s.* a ton for a similar quality to that which he obtained at home for 5*s.* 6*d.*, and for which the average price in Lancashire would be from 5*s.* 9*d.* to 6*s.*; and workmen of the same ability as those who receive in England 16*s.* a week, are paid but 6*s.* in Belgium for working a shorter time.

Mr. Ross does not object to the principle of protection, but to the amount now sought for; and he considers it a hardship that foreigners should have the opportunity (as he imagines), offered to them to copy our patterns, which, if there were no protection, the pirate at home would copy and supply upon cheaper cloth.*

* Mr. Ross's Evidence, Nos. 5493, 5504, 5512.

The general inaccuracy of the gentleman's information may be inferred from the fact of his being under the delusion that grey calico is purchased in the Manchester market to be exported, in order to undergo the operation of printing in the United States*—a matter of sheer impossibility, so far as profit is an object, or rather the avoiding of utter loss, from the almost prohibitory amount of the tariff upon this article. His only other tangible reasons for alarm are the extent of the export of copper rollers, which I have shown to have been of one style only, and to be already on the decline; and the idea of English patterns being copied by foreigners, which their own letters exhibit to be a fallacy.

The errors and inaccuracies as to facts in these statements of Mr. Lockett and Mr. Wood, and the absurdity of the inferences they have drawn from them, and the conclusion at which they profess to have arrived, are abundantly exhibited in the following letters of M. de Smet de Naeyer, and the other printers of Belgium, most of whom are the very individuals named by Mr. Ross and Mr. Lockett, but with very different accounts of their actual works.

TO M. DE SMET DE NAEYER.

*Ghent, Hotel de la Poste, Sept. 10th,* 1840.

My dear Sir,—One of the objects of my present visit to Belgium has reference to the cost of produc-

* Mr. Ross, 5552.

tion and condition generally, of calico printing in this country; with regard to which some very startling opinions have been recently promulgated in England, for purposes of which it is unnecessary for me to trouble you with any details.

Your great experience and personal knowledge, not only of the manufactures and commerce of Belgium generally, but particularly of calico printing, in which you have been so long engaged, induce me to apply to you for the information which I now require. I shall feel greatly obliged if you will take the trouble to let me know the facts explanatory of the following queries, which I think embrace all the points on which I am desirous to be informed. The names of your friends, M. Voortman and M. De Hemptinne, have been given as authorities for some of the statements alluded to, and a reference to them, should you desire it, will, of course, place you in possession of how far the assertions made in England are in conformity with their views, and opinions of the trade. I have preferred dividing the points on which I desire your information into distinct queries, in the hope that you will take the trouble, as far as possible, to let me have a distinct reply to each.

I. It has been stated that the printers of Belgium possess such advantages over those of England, as enable them at the present moment to produce the general style of goods 10 per cent. lower than can be done in the latter country, and that this saving is made in the department of *printing* alone, independent of the relative cost of the cloth. And,

II. That, taking into consideration *the cost of the cloth*, together with the printing, the Belgians can produce medium goods, worth nine or ten shillings a piece, at as low a price as any house in Manchester.

III. It has been stated as a fact, from which it is designed that a general inference should be drawn, that a printer in Ghent asserted, that if a sale of 150 of a pattern were engaged to him, he would produce any of the ordinary styles in England, such as Swiss plates, and three, four, or five coloured muslins, at a price per piece 1*s*. 2*d*. lower than they could be produced in England. Is it your opinion that this could be done by the printers of Belgium generally; or is there any one house there which possesses peculiar advantages, such as to enable it to do so exclusively?

IV. It has been stated that English grey calicoes have been sent from London, on account of an English house, to be printed in Ghent, and thence returned to London in bond for exportation to the Havanna; and that this was done on cheaper terms than the goods could have been originally printed for in England. This statement has been made on the authority of M. De Hemptinne. Can you inform me whether it was a solitary experiment, or a general practice in the trade?—whether it was found to be a profitable speculation?—It has also been stated, that one printer in Ghent, whose name has not been given, is in treaty with the Belgian government, to permit the regular importation, in bond, of English calicoes, in order to print, and so export them in bond. Can you inform me whether he has been per-

mitted to do so, and whether his trade has succeeded in that branch?

V. It has been stated that the black and red style, though it is one ordinarily produced in England, can be had cheaper in France, and has in consequence been extensively imported into Belgium.

VI. It has been stated that the Belgians are likely to undersell the English in exporting printed calicoes to Holland and to America.

VII. It has been stated that such are the local advantages of Belgium, that it holds out a strong inducement to calico printers from England, to transfer their capital to this country, and to carry on their trade here in preference to England. Have you ever known any Englishman settle in Belgium as a calico printer, and was the speculation successful?

VIII. It has been stated that Belgium now exports printed calicoes to Mexico, United States, Havanna, The Hanse Towns, Hamburgh, Bremen, Stettin, and to Holland. Is this so, and are the exports of Belgium extensive and remunerating?

IX. It has been stated that the import of English calicoes into Belgium is rapidly diminishing; that in the shops ten pieces of French or Belgium calicoes are to be seen for one English.

X. It is stated that English designs are universally preferred to French in Belgium.

XI. It has been stated that the printers of Ghent copy extensively from English designs, and that these copies are well liked, and sell in large quantities.

XII. It has been stated that the price of coal in

Ghent is forty francs per ton, and that the carriage from Mons costs more than the price of the coal at the pit's mouth. Are these statements correct? and what is the ordinary price of coals in Belgium?

XIII. It has been stated that the wages of a block printer in Ghent are 1*s.* per day, or 6*s.* per week, for thirteen hours a day. Is this so?

XIV. It has been stated that some of the calico printers of Ghent have not a single designer, but copy all their patterns from English or French designs.

XV. Are engraved copper rollers extensively imported into Belgium for the use of calico printers; and are the designs engraved upon them English, or are they excentrics?

XVI. Are machines for calico printing manufactured in Belgium, and are they of good construction or equal to English?

XVII. Are there but five print works in Belgium, viz. three at Ghent, and two in Brussels?

XVIII. It has been stated that in Belgium there is no law to confer a copyright on property in any design. Is this so?

XIX. Are English printed calicoes extensively smuggled into Belgium? and at what cost can they be so introduced?

XX. What is the duty on the regular entry of English printed calicoes into Belgium?

XXI. What is the duty on French calicoes?

I have the honour to be, Sir,

Your obedient Servant,

J. THOMSON.

M. DE SMET TO MR. THOMSON.

My Dear Sir,—I have received the letter which you did me the honour to write to me on the 10th instant, in which you request me to reply to various questions it contains relating to assertions made in England, to which attempts are made to attach credit, and which tend to prove that the calico printers of Belgium possess obvious advantages over those of Great Britain. In order to destroy allegations which I consider as *perfidious and false*, I shall reply to them article by article.

1st, It is not true that the calico printer in Belgium is able to produce prints 10 per cent. *lower* than the English printer; I reckon, on the contrary, that they are produced here, according to kind, from 20 to 25 per cent. *higher* than in England; and that, without considering the price of the unbleached cloth, which is also obtainable at a lower price in England than in Belgium.

2nd, No one having any idea of Belgian manufactures would attempt to prove that a Belgium printer is capable of producing a printed piece of middle quality $\frac{9}{8}$ wide and 24 yards long for 10*s.*; for with the exception of single colour buffs or orange, I know of none which costs less than 14*s.* to 16*s.* the piece; others sell for 20*s.* to 24*s.*

3rd, I cannot believe that a Belgian manufacturer is in a condition to produce either printed calicoes or muslins with four or five colours, even though he should have a certain sale for 150 piece of each pat-

tern, at 14*d.* lower than the English manufacturer; for such a person would have an exclusive preference in Belgium, and no one could compete with him; his manufactory would be in constant employment, but we see, on the contrary, that for want of protection which the government persists in refusing, all the establishments of Belgium, without exception, occasionally stand still, more or less.

4th, I do not believe that any manufacturer of this country has received English unbleached calicoes, to re-export after printing to an English mart. It is true that several among us have made various attempts at exportation, which have been ineffectual from the loss incurred, on account of the impossibility of competing, in any market whatsoever, with English manufactures. In 1832, a company was formed for the exportation of white, dyed, and printed goods; it exported, by way of trial, to Portugal, the Levant, Singapore, Havanna, Mexico, Brazil, Lima, Valparaiso, and I believe even to the United States. Although I never joined in the venture, I have been assured by the Secretaries that the loss incurred in these various attempts amounted to more than 400,000 francs!

Shortly after the formation of this company, the King of the Low Countries increased the importation duty to 50 per cent. in his East Indian possessions on all Belgian cotton manufactures, because he thought he had discovered that the company was protected by the Belgian government.

As to what relates to the demand made by a Bel-

gian manufacturer of the government, to be allowed to import free of duty grey English calicoes, and afterwards to re-export them when printed, I can give no credit to it,—on one account, because such a permission has never been given by the Government without having previously consulted the Chamber of Commerce and Manufactures of the kingdom, of which I have the honour to be a member; and that, on the other hand, the Government would have been anxious to make known such a demand to all manufacturers, in order to acquaint them with the means of exportation, and thus exonerate themselves from the continual complaints with which they have been assailed.

5th, I remember to have seen red and black grounds, and black, red, and greens imported from France. The first pieces, which were of elegant patterns, were sold at high prices, as a new style; but as the fashion changed in France more quickly than in any other country, I saw them soon afterwards among Swiss patterns, and as such sold at a low price.

6th, So far are Belgian prints from supplanting English prints in Holland, that we daily witness the contrary; the former abound in it, and are regularly sold at so low a price, that the transactions of my firm (De Smet frères) with Holland have almost entirely ceased.

As to what relates to the competition of Belgian prints in the markets of the United States, it is entirely a fiction, and has never existed.

7th, Any English calico printer who would form an establishment in Belgium, would not gain any advantage over the manufacturer of the country; he would be cruelly deceived, if he supposed that he could carry on his concern on the same scale as in England. A short time before the revolution, an establishment belonging to Mr. Cockerill, entirely English in its fitting up, superintended by an Englishman, was built at Andenne, near Namur. The manufactures were varied and considerable; the patterns had even an English character. Their intention was so to diminish the general expenses by operations on a large scale, as to manufacture at a cheaper rate; but as since the revolution of 1830 the consumption is confined to Belgium, which, since that period has been open to the fraudulent importations of all countries, this establishment has suffered the most disastrous reverses. A member of the Chamber of Representatives who inspected the accounts of this firm before liquidation of the advances which it received from the Belgian government, fully confirmed the statement. To obtain repayment, the government urged the public sale of the establishment, which was bought in by Mr. Cockerill, and this manufactory has not since been employed.

9th, The importation of English manufactures into Belgium is so far from diminishing, that it is on the increase. During the first six months of the year 1840, there have been imported 17,000 more pieces than in 1839, without including those smuggled by the frontiers of Holland.

10th, French patterns are generally preferred in Belgium; they are considered as more elegant, and in better taste. English patterns sometimes please, but it is principally on account of the cheapness that they meet with a sale.

11th, English patterns are very seldom copied in Belgium, and I do not remember that we have copied more than 3 in 10 years. I have purchased a few English mills, not to copy the patterns, but to compare the engraving with ours.

12th, The general price of good coal in Belgium is 20 francs the ton.

13th, The wages of printers in Belgium is from 15 to 18 francs per week; the grounders earn as much.

14th, There is no calico printer in Belgium, of any importance, who has not a pattern-drawer in his employ; and patterns are also bought at Paris and Mulhausen. With the intention of educating draftsmen, a gratuitous course of lectures on design has been established at the Academy of Design in this city; the professor is attached to one of the principal manufactories.*

15th, A few engraved rollers are imported from England into Belgium, but always *guillochés;* for other kinds of patterns, most manufacturers have their own workshops for engraving.

16th, I know of no good establishment in Belgium for making printing machines; most of their machines come from France, some from England.

17th, There are 15 calico printers at Ghent, 7 of

* M. Voortman's.

which indeed have establishments of little importance; there are 3 or 4 at Alost, 2 of which are rather considerable. At Brussels I know at least 6 important ones, but I believe the whole number exceeds this.

18th, The copyright of patterns is secured in Belgium by the same laws as in France.

19th, The smuggling of English prints into Belgium is considerable by the frontiers of Holland; the premium is at present 6 to 8 per cent.

20th, The import duty on prints, from all countries indiscriminately, is 100 florins de Pays Bas for 100 kilogrammes.

Dispose of my services on all occasions, and accept assurances of my esteem and consideration.

DE SMET DE NAEYER.

*Ghent*, 11*th Sept.* 1840.

MR. THOMSON TO M. VOORTMAN.

*Ghent Hotel de la Poste, Sept.* 10*th*, 1840.

MY DEAR SIR,—Will you allow me to call your attention to the following statements regarding your establishment which have been made to the House of Commons of England, by two gentlemen who lately visited Ghent, and who profess to derive their information from yourself. I would particularly wish to direct your notice to those passages in which it is asserted, that on being guaranteed the sale of 150 pieces, you could produce any ordinary style at 1*s.* 2*d.* lower than any English printer could furnish them; and that the wages of your block-printers are 1*s.* per day, or 6*s.* per week.

Mr. Lockett says, that M. Voortman copies both French and English patterns, chiefly French, (more than one-half being French,) and keeps but one designer, of such low abilities, that in England he would not be called a designer. That M. Voortman showed great anxiety to obtain English patterns; that he gets engraved rollers from England regularly, and also mills for engraving. That M. Voortman has three cylinder machines, two perrotines, and 120 to 150 block tables.

May I beg you to let me know whether you consider these statements to be accurate, and whether, if generalized, they are calculated to give a correct impression of the state of calico printing in Belgium?

I remain, my dear Sir,

Your obedient Servant,

J. THOMSON.

Perhaps you will be good enough, at the same time, to let me have your opinion in regard to the following queries respecting the state of the trade in Belgium.

1. Is it your opinion that at the present moment the Belgian printer is enabled, from his local advantages, to produce any style of goods 10 per cent. lower than in England?

2. Is it your opinion that grey goods could be imported, in bond, into Belgium,—printed there,—and re-shipped to England to be re-exported; and that this could be done with advantage, on account of an English merchant?

3. Can the Belgian printers undersell the English in exporting to Holland and America?

4. Does Belgium export a supply of printed calicoes to foreign countries?

5. Is the demand for English calicoes decreasing in Belgium?

6. Do the Belgian printers copy English designs extensively, and in preference to French?

7. What is the price of coals at your works?

8. What are the ordinary wages of your printers?

M. VOORTMAN TO MR. THOMSON.

SIR,—I find by the letter which you have done me the honor of writing to me, that reports have been made to the House of Commons of England as to the extent of my manufactory and the economy of my establishment. The former has been considerably exaggerated: for example, instead of three printing machines, I have only two; and in place of 30,000 spindles, my cotton mill contains only about 10,000. As to economy, I am made to say that the Belgian manufacturers are capable, not only of competing with the English manufacturers, but of producing 10 per cent. lower. What proves the contrary is, that Belgium is glutted with foreign goods, and our establishments either stand still or merely exist, so that we cannot meet competition even in our own market.

In reply to the questions which you have put to me—

1st, In the present position of Belgium it is impossible for the calico printers to compete with those of England in printing, either upon home-manufactured or English calicoes; we cannot, consequently, manufacture in Belgium to export to England.

2nd, We are almost entirely shut out from all the markets in which we meet with English competition.

3rd, Some attempts have been made at exportation, by which loss has been incurred. No exportation is now carried on.

4th, According to "Burn's Glance" there have been imported into Belgium 400,000 more yards of cotton goods in the first six months of the present year, than in the first six months of 1839. Besides this, a large quantity of goods is fraudulently imported through Holland.

5th, I seldom copy English patterns, and when I do, it is a furniture pattern, of which I may have copied two or three in two years.

6th, The price of good coal is 20 francs per ton; what I employ is lower in price, and also in quality.

7th, Printers' wages are from 15 to 20 francs (12*s.* 6*d.* to 16*s.* 8*d.*) for six days' work.

Hoping, Sir, that these particulars will be sufficient for you, I have the honour to present you my sincere salutations.

Yours, most devotedly,

J. VOORTMAN.

*Ghent*, 11*th Sept.*, 1840.

*Ghent, Hotel de la Poste, Sept.* 10, 1840.

TO M. DE HEMPTINNE.

SIR,—In a recent enquiry made by the British House of Commons into the relative cost of Calico Printing in Belgium and in England, it was stated by

a witness, that on a late visit to your works at Ghent, you had told him, that "orders for printed goods had been received at Belgium, on English account, shipped to London, in bond, and transshipped to the Havannah;" and that this transaction was undertaken "because they could be printed in Belgium at a lower price than in England."

Will you oblige me by letting me know the particulars of this affair, and whether the speculation succeeded and was repeated.

If not giving you too much trouble, might I also ask you to let me have your opinion on the following points* connected with the trade of Belgium in Printed Calicoes. Your early reply will confer an obligation on

Your obedient Servant,
J. THOMSON.

M. DE HEMPTINNE TO MR. THOMSON.

SIR,—I hasten to reply to the questions which you have put to me.

1st, Our house did certainly print on Belgian calico, a small order of 80 pieces, on account of an English house, they were intended for the Havannah, but this speculation was not repeated.

2nd, The Belgian calico printers cannot compete with the English; for their products, on account of the peculiar position of the country, are rendered much dearer than in England.

* The same queries as in the letter to M. Voortman.

3rd, The English have almost excluded us from the markets of Holland, and all the attempts at exportation to other countries have failed of success.

4th, Replied to by No. 3.

5th, On comparing the importation of English prints, during the first six months of the year 1839, with that of 1840, there will appear an increase of 17,000 pieces, without including the quantities which have been smuggled through the frontiers of Holland.

6th, English patterns are *very rarely* copied by our house (two were copied in 1839, and one only in 1840 )

7th, The price of coal of good quality is 20 francs for the English ton.

8th, The salary of workmen amounts to 15 to 18 francs for printers per week ; that of labourers to 10 or 12 francs.

If I can be useful to you, I beg of you not to spare me.

Accept, Sir, my hearty salutations,

CHAS. DE HEMPTINNE.

*Ghent*, 11*th Sept.*, 1840.

M. DE HEMPTINNE TO MR. THOMSON.

SIR,—I am glad to be able to give you an answer to your note:

One machine can shear per day of 14 hours 2030 yards, passed twice through.

For two machines, I have one man to sharpen the

knives and look after the machines, whose wages per week are 11 francs 4 centimes; one girl to attend the other machine, at 7 francs; one girl to sew the pieces together, at 7 francs.

The copper rollers weigh 180 kilogrammes, and cost at Paris 630 francs each.

I have no block printers, and I employ about 25 tables in grounding.

The production varies from 25 to 30 thousand pieces of 30 yards per annum.

I am, &c.

CHAS. DE HEMPTINNE.

*Ghent, 12th September.*

M. DE MEURE TO MR. THOMSON.

SIR,—You have desired that I would give you in writing some information respecting the sale of printed articles in Belgium, and I readily, Sir, comply with your request. I am of opinion that nine-tenths of the higher priced printed articles sold in Belgium, are of French manufacture; these articles are:

Printed Muslins,
Printed Jaconnots,
Printed Mousselines de Laine (all wool),
Mousselines de Laine, with cotton warp.

The preference given to French manufactures is to be attributed, in my opinion, to the patterns pleasing the consumers on account of their great variety, their good taste, and choice of tints.

Mousselines de Laine, the consumption of which daily increases, offer besides, an advantage of 3 or 4 per cent., on account of the premium given by the French Government on their exportation from France.

The products of the manufactures of Ghent, and other places in Belgium, are in general only low-priced printed calicoes; these maintain an advantageous competition with English and French manufactures, because the duty on the importation into Belgium of cotton manufactures of this quality is very high, amounting to 212 francs for 100 kilogrammes, about a franc per lb. As to middle-priced printed cottons, the French and English goods have a great sale in Belgium; goods of this quality being able to bear the duty, or the premium paid on smuggling.

I have the honor to be, &c., Sir,
Your very humble servant,
T. B. DE MEURE.

*Brussels, 17th Sept.* 1840.

M. REY TO MR. THOMSON.

SIR,—1st, Our exports to Holland before the revolution were very considerable: I believe that they were equal to half the consumption.

2nd, At present, on account of the cessation of the protection which Belgian printed calicoes received in Holland, the business which is done there is of little importance; I do not estimate it even at a quarter of what it was before the revolution, without

including the transactions of the Belgian printers with the Society of Commerce for exportation to Java, and which increased to such a degree, that it may be stated, without exaggeration, this Society exported in the last two years, one-half of the production of Belgium.

3dly, Our exports in printed calicoes are now unimportant; except the few which some manufacturers still send into Holland, I know of no country into which imports have been made, except some attempts which did not succeed.

4th, English prints, on account of their great variety, compete with all manufactures, whether Swiss, French or Belgian.

5th, The articles which are affected by the increase of customs in 1827, are grey and bleached calicoes, and common kinds of printed calicoes, from 8*s.* to 12*s.* per piece. These articles consequently can no longer be exported, with advantage, from England to Belgium.

Above are the answers which I have the pleasure of sending you to the questions put to me; and in the hope that my observations may be of some use to you, I present to you the assurances of my perfect consideration.

REY AINE'.

*Brussels*, 21*st Sept.* 1840.

From these letters of the principal manufacturers and printers of Belgium, the extraordinary mis-statements contained in the evidence of Mr. Ross and Mr.

T. Lockett will sufficiently appear—and as regards the general condition of the trade, the following "*Notes on the present state of Calico Printing in Belgium,*" drawn up by Mr. Thomson, of Primrose, from personal inspection and examination of the principal establishments during our recent visit to that country, will afford abundant information, confirmed as it is in every particular by the written and documentary evidence of the manufacturers themselves.

Flanders was early distinguished by its industrial skill, and celebrated all over Europe for the weaving and dyeing of woollen cloths, which paved the way subsequently for the introduction of other and kindred manufactures in which the skilful application of colours was concerned. It was not, however, till about the middle of the eighteenth century that calico printing obtained a footing in Belgium somewhat later than its introduction into Germany, Switzerland, England, and France.

The union of the Netherlands with France, in 1795, after the troubles occasioned by violent political changes had subsided, gave a grand impulse to the industry of the former by the acquisition of forty millions of customers, and was equally advantageous to the print trade of both countries. Up to the dissolution of the empire in 1814, by the fall of Napoleon, the leading houses of Mulhausen had depôts in Brussels for the sale of their best and choicest productions, whilst the manufacturers of Ghent and Brussels sent travellers throughout all France, where

their low priced prints suited to the wants of the peasantry and the lower classes, found a ready market, limited only by the power of production. The bitter lamentations of the manufacturers of Alsace, when Belgium was torn from them, prove its vast importance, and the magnitude of one establishment for printing at Cureghem, near Brussels, which existed at this period, attests the extent of the Belgian trade with France. Five hundred tables, 1300 hands, and 23 horses performing the work of steam engines, found ample employment amongst surrounding competitors. A remnant of this great manufactory still exists in the establishment of Mr. De Leemans, where 100 hands, 40 tables, and a perrotine, driven by a horse, struggle for existence!

The separation from France and the union of Belgium with Holland, in 1814, was followed by years of disaster, and occasioned great discontent amongst the manufacturers of the former country. The ill understood, and, as it was imagined, incompatible interests of the two countries, one eminently manufacturing, the other wholly commercial, impeded if it did not misdirect legislation. No wonder that a transition so sudden from the protection afforded by total prohibition, and the rigour of the CONTINENTAL SYSTEM, to one of free admission under very moderate duties, should derange and almost destroy the manufacture of printed calicoes in Belgium, and with it, of course, the spinning and weaving dependent on it. These evils were however remedied in the latter period of the union, and the

imposition of reasonable and necessary duties revived the prosperity of this important branch of their cotton manufacture. The good intentions of the king towards his Belgian subjects were strongly manifested during the latter years of his reign, by various and important measures; but the wisdom of some of his acts, and the ultimate effect not yet developed, of a policy utterly repugnant to the soundest principles of political economy, may be questioned. He conceived the plan of two societies: "THE GENERAL SOCIETY FOR THE PROTECTION OF INDUSTRY," and "THE SOCIETY OF COMMERCE OF THE NETHERLANDS." The first, as its title imports, had for its object not only the operation of banking and discounting, like the bank of France, but also the making loans or advances upon merchandize, and even on mortgage.

The second was intended to *facilitate the exportation* of the products of the soil and the manufactories, and to encourage ship building, by freighting for two voyages at least every new ship of the merchant service. *L'Esprit d'Association*, the principle of joint stock companies, was, in the mind of the king, the panacea for all the ills which had for a long period afflicted the industry of Belgium, and in these the government not only took the initiative, but, as in the case of the "GENERAL SOCIETY," was the principal, if not the only shareholder. Thus was exhibited the extraordinary spectacle of a government, with one hand lending money to, and forcing into activity, the unemployed manufacturer, and with

the other paying the price and undertaking to find a market for his otherwise unsaleable products! One result of this policy when put in operation during a period of great distress, is to be found in the letter of M. De Smet, of Ghent, to Mr. Thomson, inserted before.

The gradual improvement in the state of the cotton manufacture which had begun to manifest itself since the year 1822, was again interrupted by the sudden and unlooked-for explosion which ended in the revolution of 1830, and the separation of Belgium from Holland. That event was most disastrous to calico printing, and all who could escape fled from it at that time. Mr. F. Basse, of Brussels, a gentleman distinguished by the extent and accuracy of his knowledge of the commercial and manufacturing interests of Belgium, and himself, one of the leading calico printers of the country, had the penetration to see in that event a fatal blow to that industry in which he was deeply engaged; he had the courage to abandon it, therefore, wisely judging that the loss of near three millions of customers in Holland, and of the supply, moreover, of all her colonies, without any compensating advantage, would permanently ruin his trade. This opinion, which remains unchanged to this day, is confirmed by the experience of the last ten years. Mr. Prevenoit also, a spinner and printer of Brussels, and Mr. Wilson, whose works were burnt down during the troubles of the revolution, both emigrated to Holland, where they carry on, at Haarlem, un-

der the protection, that is, with the assistance of the late king, large establishments for spinning, weaving, bleaching, and printing, assured of a market for all they can produce by engagements with the Dutch East India Company. From this commerce the Belgians are excluded by import duties at Batavia 12½ per cent. higher than on goods imported from Holland, and of Dutch manufacture. They have still the home market of Holland on the same terms as the English, but they are unable to meet that competition, and the trade has sunk into insignificance. Spinning-mills of cotton were also at this time turned into spinning mills of flax, and the conversion to other uses of establishments originally destined for printing is still going on.

The history of an establishment at Andenne, on the banks of the Meuse, near Liege, pours a flood of light on the position of Belgium and its capacity for competing with England. Mr. Cockerill and the King of Holland founded there a print ground after the latest and most approved models, with English machinery and English managers and system, and all the resources which could be derived from the knowledge and experience of Lancashire. This establishment existed some years before the revolution, at which time the King of Holland's share was transferred to the Belgian government. For some time the demands of the minister for funds in aid of the prosperous and flourishing manufactory at Andenne, were granted by the Chamber, yet not without reluctance and suspicion; re-

peated calls produced at last resistance, and when the concern was finally wound up, it was found to have been pursuing a ruinous trade for many years. Such was the result of an attempt to rival in Belgium by English modes and under English management, the productions of English printers at home. That establishment, after long inactivity, is now a paper manufactory.

### *Present Condition of the Trade.*

It may readily be supposed that the productive power of Belgium in the manufacture of printed calicoes, notwithstanding these changes, is still far beyond the demand for those articles which they have been in the habit of producing or are able to produce, and that the remnant of their trade is only preserved to them by fiscal regulations of high amount and rigid enforcement. The duties on printed goods imported into Belgium are levied by weight, both in the case of cotton goods and those of wool, as mouselines de laine, &c. The official returns are given in kilogrammes, and are doubtless correct; but as the fabrics vary much in weight, this casts some uncertainty over the custom-house statement as to the number of pieces imported or exported. A piece of French or English muslin, or jaconnot, weighs from 2 to 3 lbs.; a fine 80 cambric 4 lbs., and some of stouter quality 5 lbs. The Belgian goods printed both for home consumption and for export, are in general coarser than the French or English, varying also in weight, but not to a great extent. The

following table, therefore, extracted from the public documents in kilogrammes, and turned into English pieces, must be received as approximations to the truth.

IMPORTS AND EXPORTS OF PRINTED CALICOES IN BELGIUM.

| | Pieces Imported. | Pieces Exported. |
|---|---|---|
| 1831 | 64,891 | 10,348 |
| 1832 | 163,695 | 96,311 |
| 1833 | 181,720 | 158,015 |
| 1834 | 149,038 | 85,175 |
| 1835 | 187,990 | 96,255 |
| 1836 | 157,977 | 126,139 |
| 1837 | 140,787 | 123,248 |
| 1838 | 154,097 | 117,255 |

The duties levied at the present moment are, on—
Cotton white goods, 180 f. per 100 kil., about 9*d.* per lb.
——printed or dyed, 212 f. do. „ 10d. „
Mouselines de laines, 180 f. do. „ 9d. „

This amounts to a prohibition on nearly all the varieties of white goods.

On printed goods it amounts to the following rates on the different qualities, French and English, ordinarily imported, and on those of lower quality resembling the Belgian, *it is wholly prohibitive*:—

| | | | |
|---|---|---|---|
| ⅛ cambric, weighing | 5 lb. | the duty is | 4*s.* 2*d.* per piece. |
| ⅛ „ fine, „ | 4 lb. | „ | 3*s.* 4*d.* „ |
| ⅛ muslin, jaconnot | 3 lb. | „ | 2*s.* 6*d.* „ |
| ⅛ do. fine | 2 lb. | „ | 1*s.* 8*d.* „ |

These rates are calculated on English lengths of 24 yards, which must be understood in all cases where the word pieces is used. Thus the finest goods being at once the lightest and the highest-priced, pay the smallest duty: whilst, on the other hand, the goods intended for domestic use, the single and two-coloured plates and fancies, the mignonettes, &c., printed on good stout serviceable calico, and sold at moderate prices, are charged with DUTIES AMOUNTING TO NOT LESS THAN 25 TO 30 PER CENT. ON THEIR COST IN ENGLAND!!

M. Voortman, and other intelligent calico printers of the country, are of opinion that the amount of goods admitted into Belgium, paying the duty, does not much exceed 100,000 pieces yearly; but that the amount smuggled over the Dutch and French frontiers is not short of double that quantity. This opinion, notwithstanding its high authority, is somewhat conjectural. It cannot, however, be denied, that the temptation occasioned by high duties, and the facilities afforded by a large extent of frontier, difficult and expensive to protect, are in favour of M. Voortman's opinion.

The English printer, who seeks in the fashionable shops of Ghent and Brussels, or any other of the chief cities of Belgium, for English prints, will be disappointed; they are rarely to be found, nothing meets his eye but what is French, for the most part excellent in taste, and fine in execution; or if, perchance, he does alight on something English, in the second or third-rate shops, or the depôts of English

merchants, and of reputed excellence at home, it is only to make him feel the more the irresistible conviction of English inferiority of taste.

Three classes of prints are sold in Belgium. The first or highest class for the wealthiest customers is almost wholly French; nine-tenths of it at least are the production of Alsace, or the neighbourhood of Paris—muslins, jaconnots, fine cambrics, mouselines de laine, and the interminable variety of tissues produced by admixture of cotton, silk, woollen, and even linen. These goods, compared with those of England, fetch high prices, not so much from finer and better textures, or more brilliant and faster colours, though in this respect they are pre-eminent, as from their superior taste in design, and that harmonious felicity of colouring, which distinguishes the productions of a people who hold undivided and undisputed sway over the whole empire of Taste.

The largest portion of the prints consumed in Belgium is of home manufacture, and by the lower classes and country population. It consists chiefly of what may be denominated the national print of Belgium, the MIGNONETTE, and similar simple styles of one, two, and three colours, protected by a duty which exceeds 25 per cent. *No foreign manufacturer can successfully compete with the Belgian on his own soil in the lowest class of prints, protected by such a duty.*

An intermediate style between this purely Belgian and the highest, or French, is one adapted to a middle class of customers, and better able to support

the heavy import duty. Here the English printer beats out the French, and makes his way into the market of Belgium to realise a scanty profit. It is in this class that the contraband trade so much complained of is chiefly carried on.

The following extracts from a published document, addressed to the Chamber of Representatives of Belgium, by the Directors of the Society for Promoting the Cotton Manufacture, at the close of last year, presents a striking picture of the state of that industry, and its inability to compete with England. The chamber had in 1835 passed a resolution to the effect, that it was expedient to increase the protection to this manufacture in its various branches of spinning, weaving, and printing, which, not being followed up by enactments, occasioned this lively remonstrance of the manufacturers:—

"In the face of the country, and on our consciences, we declare, that the cotton manufacture has constantly declined since 1830. Our intimate conviction is, that it is attacked by an organic disease, under which it is gradually sinking; it hastens to its destruction; and the principal cause is in the non-execution of the commercial policy traced by yourselves." "The parliamentary declaration of 1835 is fully confirmed, that the cotton manufacture is not sufficiently protected, and that the custom-house laws are insufficient." "Take the trouble, gentlemen, to reflect on the situation of this manufacture, and you will recognise this singular and at first sight inexplicable fact. We are as skilful as

our foreign competitors; the topographical position of Belgium is advantageous; in certain respects we can work with as much economy, and even with more than the manufacturers of other countries; and yet, if no change is made in the actual state of things, it is decidedly impossible for us to sustain this competition. The struggle in the end will be a mortal one for us. And how can it be otherwise? We share our home market with our neighbours, but are not allowed to partake of our neighbours' market. They come to us, but we go not to them. There is in this a constant source of inequality; for our competitors commence by realising a profit at home, which puts them in a condition to sell at a lower price in Belgium. The true economy for a manufacturer is to produce the most he can in a given time. To sell cheap he must sell much, is an established maxim; but our demand is too small, diminished as it is by foreign supply. For printed calicoes for instance, the expense of engraving a roller is much the same in France, England, and Belgium; yet where we print 50 pieces of a pattern they print 500, or the English as many thousands. It is with impressions on cloth as with impressions on paper, the book, of which a considerable number is printed, sells for little more than the cost of the paper. The printed calicoes, which come from France and England to Belgium, are offered at a price which represents the value of the calico. It is above all, during times of crisis, that it becomes impossible for the Belgian manufacturer to resist

this crushing competition. What, above everything, does the greatest mischief to our manufactures, are those warehouse stocks which periodically our French and English rivals send to this country to be sold at any price. A printed calico, which in the spring they would have sold at 3 francs the ell, eight or nine months after they are content to sell for 1½ francs, or even 1¼ francs the ell. Thus their finest and dearest prints are put in direct competition with the current styles of our own country. The foreign printer, before opening the next campaign with his new pattern, makes a clearance of his old stock. It is Belgium particularly which they inundate, for they will not ruin the prices in their principal markets which they reserve for themselves alone. They *must* export, therefore, at any price, and Belgium is within reach of every one.

"To those who reproach us with not sufficiently attending to the export trade, we reply, that to export with advantage it is necessary to be assured of a certain portion of the home-market. A home-trade is then indispensable, and it is precisely this which the Belgian manufacturer wants.

"The cotton manufacturer had in the Dutch East-India possessions an outlet, which, by especial favours, accorded to the flag and the products of the Netherlands, secured them an exclusive advantage. All the glut of interior production flowed off to those countries of which the consumption increased from day to day. At the present moment the outlet to India is lost, that of Holland is di-

minishing every day; for we find there, the same as in Belgium, gluts and the sweepings of France and England."

"In reporting hereafter your opinion on the commercial policy followed by our neighbours, you will say that one only mode of saving our industry remains, the possession of our home market."

"You will give us this, gentlemen, by withdrawing from foreigners that portion which contraband has hitherto enabled them to take, or by annexing us to a larger territory. We beseech you, therefore, to secure to us, but to secure it by effective means, that which is our legitimate right, the possession of the only market which remains to us; or to compensate us by an UNION WITH THE CUSTOM-HOUSE OF FRANCE, OR AN ACCESSION TO THE COMMERCIAL LEAGUE OF GERMANY."

These are the complaints of men who feel acutely their sufferings, and are impatient of relief. This address was signed by the President and Directors of the Society which is established at Ghent, and amongst others by M. Voortman, who is represented in the evidence before the Committee on Copyright, by one of the witnesses, as having stated to him that he could undersell the English in certain styles 10 per cent.! This assertion is repelled by M. Voortman, and characterised by the president as *perfide et mensongere.*

The coal-fields of Belgium, next to those of England, are, with reference to territorial extent, the most important in Europe. M. d'Argout, peer of France,

has given the following statement of the proportion in England, Belgium, and France:—

England $\frac{1}{20}$ of the superficies of the kingdom.
Belgium $\frac{1}{30}$ „ „ „
France $\frac{1}{210}$ „ „ „

The coal annually raised in the following countries has been approximatively determined as follows:—*

| | | |
|---|---|---|
| England | 23,000,000 | tons. |
| Belgium | 4,000,000 | „ |
| France | 2,500,000 | „ |
| Prussia | 220,000 | „ |

The actual price of coal, at the pit's mouth in Belgium, is stated on the average to be 10 francs the ton. Coal delivered at the principal centres of consumption, costs, on the average, 1 franc 75 centimes the 100 kilogrammes, or about 9*d.* the cwt.; but for the purposes of manufacture on the great scale much less, and a second quality is obtained even below this. M. Voortman, one of the principal manufacturers of Ghent, burns a coal which costs him only 12 francs per ton; others prefer a better quality at 16 to 20 francs.

As a general expression of the fact, fuel in Belgium may be considered as more than double the price in Lancashire, and much inferior in quality.

The fears entertained some years ago of the ex-

* "Industrie de la Belgique."

haustion of these beds have diminished. The annual exportation to France now approaches 800,000 tons. The importation from England, according to a return of the House of Commons in 1838, was 4,000 tons; it nearly doubled in the following year, and is understood to be increasing.

The copying which exists in Belgium is from the French; rarely from the English. The enquiries which have been made on this subject have amused the foreign printers, amongst whom the taste of the English does not rank so high as their fine and economical execution. It is however unquestionable that Belgian, Prussian, and even French printers do *sometimes* copy the English, and all are glad to obtain collections of their patterns as materials for their own designs. This opinion of the superiority of French and English taste is not confined to jealous and rival manufacturers abroad, but pervades the whole world of buyers, sellers, and consumers, and prevails in England not less than elsewhere. This *prestige* in favour of French taste runs even into the ridiculous, for every shopman in Regent-street, and every pedlar in the land, exhibits his wares as French or Swiss, and something quite "*distingués.*" Those who knew the print trade fifty years ago, will remember the distinction between the prints of *town* and *country*. Lancashire then stood precisely in the same relation to London that England now does to France. A TOWN PRINT, a LONDON CHINTZ, was the perfection of the art, and the fashionables of that day wore printed

muslin dresses, trimmed with lace, at the gayest assemblies.

In a country where taste is not pre-eminent, and which seeks, like all the world, in France, for articles of elegance and fashion, the art of design, as might be expected, is not yet cultivated with success. It has, however, attracted the attention both of the government and the manufacturers, and gratuitous courses of lectures are delivered at the university of Ghent to those who are engaged in industrial art.

The wages of daily labour on the print grounds of Belgium for that kind of work which does not belong to the class of skilled labour, as dyers, washers, &c., varies from ten to twelve francs per week—six days of fourteen hours effective work each. Young women, sewers, winders on, pickers, &c., six to seven francs. The race of journeymen printers of the best class does not exist. M. De Hemptinne, who has tried the higher styles, on muslins, jacconots, and mouselines de laines, which he has abandoned, has not a single first-rate printer. The tables he has at work, about 25, are grounding and earning from 15 to 18 francs per week. Block printers earn at M. Voortman's 15 to 20 francs per week; but he says a very good hand, with plenty of work, can earn 24 francs at their present wages. Fifteen pence per piece of 24 yards, which M. De Smet and M. Voortman were paying for grounding, would readily enable a man to earn this. It was stated before the Committee on copyright that the *earnings* of block print-

ers at Ghent were 6*s*. per week! It would be easy to point out large establishments in Lancashire where the earnings of good workmen for weeks and months together had not exceeded this; but such statements, though correct, give *false* notions of the wages in both countries, and consequently of the cost of production. Ill employed workmen may earn little, yet get high wages. At Brussels, M. De Leemans pays 2 francs per piece, tearer included, for 2 colour work, 5 over on 34 inch cloth, 24 yards long, black and red, indifferently joined and worked, and which no printer in England would dare to send into the market, nor attempt but with the two-colour machine.

This is very nearly what such block work would cost in England, and quite as much as in Scotland, in which latter country it may be safely stated that the cost of block printing is not higher than in Belgium. Of the work in question, the printer produced four colours per day, which left him the net wages of 18*s*. per week. In England an ordinary workman would have turned out five or six, and an excellent hand seven or eight colours per day. The wages of apprentice printers or grounders, where such exist, vary with their ages and standing, from 5 francs per week upwards.

The wages of highly-skilled labour, as engravers, mill-makers, machine-men, both printing and engraving, vary as in England, with the talent of the individual. M. de Hemptinne paid 8 to 10 francs per day to his best hands in the engraving shop.

Machine printers earn 15 to 30 francs per week, according to their ability.

The general apparatus and machinery of calico printing is simple and inartificial for the most part, requiring little mechanical skill in the construction, with the exception of the machines for engraving and cylinder printing. The latter are the invention of England. France divides with us the honour of inventing and perfecting the former, and from the greater facility of exporting them, supplies the chief part of those in use on the continent of Europe. Engraving and printing machines, both from Manchester and Paris, and some from Alsace, are found in the principal manufactories of Ghent and Brussels. M. de Smet has constructed one at home, as some others also have done, not inferior to any he could have imported. Two engraving machines, two cylinder machines, one for two colours, and two or three perrotines, form the general provision of the leading houses of Belgium, and are adequate to the production of four times the quantity demanded. The English printer who visits these establishments will always find single-colour machines at work, rarely a two-colour, and never a three or four-colour, in fact they do not exist. For a limited consumption, and such is that of Belgium, the expense of cylinders and engraving for three and four-colour work, is a prohibition. Copper cylinders are obtained from England, but some prefer the large brass rollers of France, costing from £20 to £25 each. If less attention has been paid to the

manufacture of these machines in Belgium than to those for spinning and weaving, it is because the demand holds out no temptation. The machinery for spinning and weaving 1000 pieces of cloth weekly, would, with power to turn it, cost from £8000 to £9000 in England, whilst the machinery to print it would not cost as many hundreds.

The interior economy and arrangement of a Belgian print ground offers nothing to admire, or to imitate, as regards either the economy of time and labour, or the perfection of the work. They are in arrear of all their neighbours. Production on a great scale, as in England, would have led to the former; the supply of their own market, with the highest class of prints, would have produced the latter; both these inducements are wanting.

The Belgian workman has the reputation of patient enduring industry, which may justly be conceded to him; but it may be doubted if that vigorous activity, which characterises the English workman above all others, is to be found here. It does not meet the eye in surveying a large establishment; it is not to be found in the statements of the manufacturers themselves, nor in the published statistics of their industry. M. de Smet de Naeyer, M. de Hemptinne, and M. Voortman together, give an average of 300 pieces per annum for each worker; but the following extract from a recent work on the manufactures of Belgium,* reduces the estimate to 116 for each worker." The machinery introduced since 1830 into the manufacture of printed calicoes in

* "De l'Industrie en Belgique," par M. N. Briavoinne, 2 vols.

Belgium has reduced both wages and the number of work-people. These establishments find employment at the present time, all included, for 3,000 hands, which if the production reaches 350,000 pieces, is one worker for every 116 pieces. We have just observed that there has been a reduction of wages; in fact, from 1808 to 1810, a journeyman printer got clear for himself

"In 1810, 68 francs per week.
"In 1825, 59 ditto
"In 1838, 32 ditto
"But grounders during the latter period, say
"In 1838, 15 ditto."

It is true that the production of all Alsace amounts only to 71 pieces per head, yet between the labour concentrated on an average piece of Alsatian work and one of Belgian, the difference is considerable. The average deduced from the data of the three principal manufacturers of Ghent is probably not far from the truth. Contrasted with the following results, it places the Belgian workman, as an instrument of production, between the English and the French, which will be found to be his true position.

| | Pieces annually per Head. |
|---|---|
| Messrs. Ainsworth and Co., . . . | 1000 |
| Messrs. Schwabe and Co. . . . . | 443 |
| Belgium, averaged on a production of three manufacturers . . . . . | 300 |
| Belgium, according to Briavoinne, on total production . . . . . | 116 |
| Alsace . . . . . | 71 |

Mr. Schwabe's production is selected for comparison, as consisting of a large proportion of single and two-colour machine-work without grounding, like the Belgian. It is, however, more laboured on the whole than the Belgian, and does not, therefore, show to the full extent, that striking disparity between the day's work of the two countries it is intended to exhibit.

The quality of Belgian printing varies, as in England, according to the price and market; being almost wholly for home consumption and the lower classes, a good-looking print in fast colours, at a moderate price is the object sought for, and this they attain. If it be not of a high character, it is however marketable in the face of French and English work, and is uniform and certain in its quality. M. de Hemptinne has shown that if he had a market he could compete with the first printers in Europe, as his printed muslins, jacconets, and mouselines de laine prove; yet he is forced to restrict his production mainly to single-colour cylinder work and two-colour perrotine. M. de Smet's single-colour madder purple plates equal anything produced in Europe, and leave behind, with one or two exceptions, his competitors in every country.

M. Voortman's production, more extensive and more varied, both in furnitures and garments, is highly respectable. At Brussels M. de Leemans dyes and prints Turkey reds, chiefly $\frac{6}{4}$ shawls for the country people; and if they are wanting in the taste of the French, they possess what is more

attractive to their customers — a fine brilliant colour.

Amongst the advantages possessed by the Belgians, qualifying them, in the opinion of one of the anti-copyright witnesses, for successful competition with England, is Wolff's steam-engine, about which it may be useful to say a few words. This engine, on the expansive system with two cylinders, was invented in England by Hornblower, who lost his patent in an action with Boulton and Watt. Altered or improved subsequently by Wolff, near forty years ago, and since again improved by Hall of Dartford, in mechanical construction at least, it is manufactured chiefly for the Continent, where it has obtained more favour, especially in France and Belgium, than in England. Mr. Fairburne, of Manchester, is now building two of these engines, of large dimensions, for Russia. Mr. Hall has lately erected one of twenty-five horse power at Greenwich. This is not the place to discuss its merits; the question is now before the public in a way likely soon to bring the matter to issue, whether on the whole it possesses any advantages in the saving of fuel not counterbalanced by other disadvantages. If there be an advantage in its use, Lancashire printers will find it out when driven to a pinch; at present it is the BELGIAN TARIFF, and not its steam-engines, which renders Belgium competition in some cases successful.

Another machine, armed with formidable rivalry for the English printer, in the opinion of the same witness, is the "Tondeuse," or shearing machine,

which uses no coal, and yet supersedes the process of singeing. The tondeuse is an American invention, for which an English mechanic named Collier established a manufactory in Paris. In England it is used with complete success for shearing woollen cloth; it is made at Leeds, and also at Paisley, where it is applied to the shearing of various fabrics. A machine was exhibited in Manchester for singeing calicoes, but its work was so unsatisfactory that it met with no encouragement. In France it has been used for woollen cloth, mouselines de laine, and also with indifferent success for muslins, jacconots, and cambrics. In Belgium and in Prussia its use has been abandoned by many as a substitute for *singeing* cotton goods. M. de Smet uses it *after* singeing, to take off the long ends and lumps which the singe-plate does not remove; and to this use in the end, for which it is well adapted, it probably will be applied in this country.

The following statement, by M. de Hemptinne, of its operation, will show how far in England it is likely to be used as a substitute for singeing.

One man and two girls, working long hours, with two machines, shear 4060 yards of cloth twice over, or finish 145 pieces of 28 yards each per day! Their wages amount to 4 francs 17 centimes, or 3*s.* 6*d.* of our money nearly. In England, a gas singeing machine, worked ten hours by a man and two boys, at 4*s.* 2*d.* per day, singes 600 pieces twice over of 72 reed cloth; lighter cloths are passed once only through the flame at the rate of 1200 pieces

per day. It would be easy, with good hands, working a little extra time with one machine, costing about a hundred pounds, to singe all the goods that Messrs. Ainsworth print at Barrow and Broughton Grove, viz. 430,000 yearly. Should they remove their establishments to Ghent, as they threaten to do if the Copyright Extension Act should pass, and use the "tondeuse," they will require about twenty machines, costing a hundred pounds each, ten men and twenty girls to work them, and pay in wages 520*l.* a-year! for the *labour alone* of singeing, which here, with English machinery and hands would cost not quite 80*l.*!

These details regarding steam-engines, which work in Belgium almost without coal, and without the escape or loss of steam! and machines, formidable instruments of competition, which singe without fire! are more calculated to excite derision and contempt than alarm—they are noticed here for a graver and more important purpose; to show to the public what manner of men those are who have been sent to foreign countries to collect and bring back information relating to the state of their industry, for the guidance of the English Legislature!

With singular infelicity of judgment, and astounding ignorance of the state of things, in a country close at their own doors, the opponents of copyright have chosen to fight their battle in Belgium, under the flag and war-cry of foreign competition! Foreign competition! in a country whose manufacturers, the spinners, weavers, and printers, are fighting for

safety and existence behind the high ramparts of their custom duties, which are scaled and over-topped by the smuggler at every point, and which if lowered let in the fair trader to overpower and ruin them with his cheap goods.

The preceding statements regarding wages, labour, fuel, means and costs of production, and the following letters and answers to queries, which will be found in the Appendix, are the result of deliberate investigation and of communication with the highest authorities. They determine the value of that information produced before the Committee towards the close of its long sitting, which M. de Smet, with "honest indignation" characterises as "*perfide et mensongere*," and furnish another illustration of the ancient adage, trite, yet true.

QUEM DEUS VULT PERDERE PRIUS DEMENTAT.

Such is the result of an investigation made upon the spot by Mr. Thomson and myself, into the state of calico printing in Belgium. In discussing this subject, I have throughout preferred giving facts to authorities—what I have myself seen, to what I have heard from others. But there is one authority so important upon this subject, that with it I shall conclude my own observations with reference to Belgium. A work has very recently been published in Belgium, containing the statistics of the trade in every branch, with its origin, progress, and decline. It is entitled, "*De l'Industrie en Belgique, causes de decadence et de prosperité, sa situation actuelle.* Par

M. A. Briavoinne."* The author is a gentleman eminently qualified for the undertaking, from his profound knowledge of the manufactures and commerce of his country. He was a member of a commission sent to England in 1840, on the subject of the linen trade; and that which renders his opinion, which is in every way impartial and trustworthy, peculiarly important upon the question of calico printing, he is secretary to the *Societé Cotonnière*, an institution at Brussels and Ghent for the single purpose of watching over the interests of the cotton trade in all its branches. In the chapter of his work which has reference to the subject, he thus speaks of the actual condition of the print trade in Belgium:—"As regards the spinning of cotton yarn, one remark may suffice to prove how ungrateful a return of it was made to those who have invested their capital in it. In numerous instances since 1830, cotton mills have been destroyed by fire, more especially at Brussels; but the majority of those who have been sufferers by such calamities have profited by the opportunity, to make their escape from a branch of trade in which experience had shewn them that they need not expect more than a very ordinary interest upon their capital. *In calico printing*, the results have not been more satisfactory; numbers of proprietors in Ghent and Brussels have renounced the trade, converted their buildings to other uses, and sold off their utensils and machinery by public auction.

* Published at Brussels by Eug. Dubois, Chaussée d'Eter-beck, No. 238, 1839.

"Ghent had, in 1829, fifteen print works; in 1839, she had but *nine*. There were at the former period *eleven* establishments of the first magnitude at Brussels, Andennes, and Lievre, of which six have since given up business. Other establishments have, in the same space of time, sprung up elsewhere; but the general condition of the manufacture exhibits a diminution.

"In good years the annual production of printed calicoes in Belgium may be estimated, one year with another, at 400,000 pieces, liable of course to considerable variations. Thus the fifteen establishments of Ghent, in 1829, produced 300,000 pieces; but these nine establishments in 1839, did not produce 120,000. The produce of the largest house does not exceed 45,000 pieces.

"The art of printing is as well understood and as far advanced in Belgium as in any other country; its workmen are qualified to undertake work of any description, but can only produce such as are in demand, which is confined almost entirely to medium and common styles, which require fast colours and low prices. The printers are thus limited to ordinary calicoes,* and rarely attempt jacconet. Some attempts have been made to print mousseline-de-laine, but they have been completely abandoned. The prevailing article in the market is that called "*mignonette*," with pinks and lilacs on a white ground.

"The double competition of England on the one side, and France upon the other, keeps them per-

* "Calicot de 2,400 et 3,000 fils."—p. 385.

petually on the alert, and discourages the slightest speculation, or departure from the beaten track. France comes, strong in the favour and partiality of fashion, and powerful in the elegance and originality of her designs. England, with her heavy-looking patterns (*dessins lourds*), but admirable execution, supersedes them all by the lowness of her prices. Whilst France offers her prints for two and three francs an ell, it is not unusual to see England presenting hers for forty-five centimes (less than half a franc), and even lower still. Belgium goods in the same market, vary from sixty centimes to 1 franc 10 c. the Brabant ell; and that which she can now hardly dispose of for sixty centimes, was eagerly sought after, five-and-thirty years ago, at two francs and a half.

"Efforts have been made to recover, by an export trade, that position from which foreign competition has thus forced them in the home market. Shipments have been made to Brazil, the Levant, the South Sea Islands, Singapore, and lastly to Germany, and the great fairs of Frankfort-on-the-Maine;* *but in all directions they encountered loss* ("partout on a perdu"). Belgium now retains merely the market of Holland; and this, too, she is losing day by day, although, previous to 1830, it consumed one-half of her entire production. Belgium no longer possesses, as England does, manufacturers who, giving their exclusive attention to an export trade, and to the

* Probably by the association alluded to in the letter of M. De Smet de Naeyer.

study and production for a distant market, attain a consummate knowledge of its wants in all particulars; but with the Belgians, on the contrary, every printer looks to exportation only as an expedient to get rid of his over-stock of goods originally designed for the market at home. This system is beset with dangers, (*hérissé d'ecueils,*) but it cannot be otherwise so long as the Belgians have to enter the market in competition with the great experience, the large capital, and the commercial connexions of Great Britain."*

This frank and impartial exposé of the general condition of the manufacture in Belgium, made by one, whose book, however candid its details, is designed to give the most encouraging view that is compatible with truth of the state and prospects of his country's commerce, is of infinitely greater value than any attempts, however successful, to nibble away details, or to make calculations as to the relative costs of copper rollers and "doctors." Did Belgium, in every detail, exhibit a manifest superiority to England; had she her machinery, her engraving, and her madder for one-half the price, it could no more affect the grand question at issue than do the puny inequalities on the earth's surface impede its revolutions or alter its configuration. They have not even the value of sand in the balance. The very momentum of successful trade is to produce the *very finest* article or the *very cheapest;* the former, which is the peculiar province of France, is the offspring of her fostering copyright, and her culti-

* L'Industrie en Belgique, vol. ii. p. 384, 385, 386.

vated taste; the latter, in which England is supreme, is the undisputed inheritance of her half-intelligent machinery, and her almost boundless markets. Belgium, with her little modicum of three millions and a half of consumers, marches by the side of this colossus of trade, like the dwarf who would associate himself with the giant, but at the end of their expeditions discovered that he had received all the blows and his companion all the glory and the plunder.

# CHAPTER XIII.

THE ACTUAL CONDITION OF THE TRADE OF CALICO PRINTING IN PRUSSIA, SAXONY, BAVARIA, WURTEMBURG, AND HAMBURG.—ERRORS IN THE STATEMENTS MADE TO THE COMMITTEE OF THE HOUSE OF COMMONS RESPECTING THE CONDITION OF CALICO PRINTING IN THE STATES OF THE PRUSSIAN COMMERCIAL LEAGUE.

## *Sect.* 1.—*Prussia.*

Mr. Lockett made a visit to Prussia with the same object as he had previously done to Belgium, to enquire into the state of the print trade in that country; and the result of his investigations have been detailed in the Report with equal circumstantiality, and almost less accuracy![*] He makes a similar statement as to its rapid acquisition of mechanical power, and its advancement in calico printing. The principal seats of the trade in that country are at Elberfeldt and Berlin; but he states that he found not one single original designer in Berlin, their patterns being all, without exception, copies either of French or English patterns, but especially of the

* See Evidence 8722, 8784, 8803, 8805, 8751-2, 8810.

former, "as the French naturally bring out a superior quality of print to what we do."—The majority of machinery in use in Berlin, he states, is imported from England (whilst that of Elberfeldt is obtained from France), or made in Prussia by English artisans; and from their improvements in its application to calico printing, they expressed to him a confident hope of their ability shortly to compete with England in the article of prints, and asserted, that even at present, they can produce at a less cost,* and already export extensively. Mr. Lockett represents the production of printed calicoes to be rapidly increasing in Prussia generally, and the import from England to be materially diminished, *(but a reference to the Return of Exports will show this representation to be incorrect.)* In Engraving, the Prussians, he says, are making rapid improvement, having been instructed by artisans from Manchester and France; and "mills" for facilitating the process they receive both from this country and France.

But the various allegations regarding Prussia will be found set out in detail in some letters, together with the replies which I shall presently introduce, addressed by me to some of the gentlemen referred to by name by Mr. Lockett, and to whom I was personally made known during a recent visit to Berlin. *The most remarkable coincidence in these communications is, that they specifically contradict or materially correct every single assertion and statement made by Mr. Lockett to the Committee of the House of Com-*

* See Evidence 8709, 8817, 1815, 8770, 8819—20, 8767, 8844, 8768.

*mons*; and as these contradictions and corrections come not indirectly or on conjecture, but fresh from the parties themselves, whose works are alluded to by Mr. Lockett, their strictures, and their repudiation of his statements, must carry conviction to those whose opinions may have been influenced by previous erroneous representations. Mr. Lockett's statistical report seems to have been made *by guess-work*, and is a delusion throughout,—his statements of the copying of English patterns exhibited to be a mistake—and his expressions of alarm for successful competition with England on the part of Prussia, smiled at as an amusing dream by the calico printers of Berlin themselves. The following letter and its answer are my correspondence with M. Stephan, a gentleman whom Mr. Lockett represents as one of the most extensive houses in the trade, and whose opinions therefore are entitled to every consideration.

*Berlin, October* 15th, 1840.

Gasthof zum Goldenen Adler im Deutschen Hause,
Donhofs Platz.

Sir,—In the course of a recent enquiry instituted by the British House of Commons into the state of calico printing in England, and incidentally elsewhere, some evidence has been given regarding the statistics of the trade in Berlin, to which I am anxious to direct your attention, with a view to ascertain your opinion as to the correctness of the views which it sets forth. I am induced to solicit this information from you, as well from the courtesy you have personally exhi-

bited towards myself, as because your house is admitted, in the evidence given, to be amongst the most respectable in Berlin, and your information therefore will have all the value and accuracy which is derived from experience and practical knowledge.

The points to which I particularly wish to direct your attention, and request your opinion as to their correctness, are the following,—in the evidence given by Mr. T. Lockett—

1. It is stated that there are in Berlin, eight leading houses in the trade, the particulars of whose establishments are as follows:—

i. Mr. Stephani, (query Mr. Stephan—your own?) employing 3 machines and 150 tables.

ii. That of Messrs. Levinstein, and Co., which is very extensive, and still in process of extension—the property of a gentleman who formerly employed Messrs. Goldschmidt to print for him, but finding that it was a very profitable trade, he three years ago commenced printing himself, and is now doing above 2,000 pieces a week.—He has not a single designer on his premises.—Has two 9-8th three-color machines, and one 9-8th five-color erecting, and produces medium cloth goods, such as are sold in England, for 10s. per piece.

iii. The works of Messrs. Goldsmid—very extensive; they have, in fact, three establishments for printing, alone; employ 1500 to 2000 hands, have 520 tables, 6 machines, and 2 or 3 perrotines. They bleach, dye, print, and finish on

the premises, and export largely to New York one style of orange-coloured goods.

iv. Messrs. Selna and Toussaint (query, Zöllner and Toussaint?) have 3 machines and 150 tables.

v. M. Oppen has 4 machines and 4 engraving machines.

vi. Messrs. Nowen and Loewe (query, Messrs. Nauen, Löwe and Co.?), who have 5 machines, 400 tables, and 4 engraving machines.

vii. M. Nathan Woolf, 2 machines, 100 tables, and 1 engraving machine, and does very good work.

viii. Messrs. Alex. Woulf and Co.—a new establishment, commenced in 1840, 3 machines, and works calculated to produce 5000 pieces a week, and likely to do so. They have 2 perrotines coming from France.

Mr. Lockett says, there are also from 12 to 15 minor houses, which have no machinery, using only blocks, and without a single designer amongst them. He says also, that in Berlin there are in all 27 machines, 1490 tables, and 18 engraving machines. You will much oblige me by letting me know whether you consider the above statistical statement to afford a correct view of the extent of the trade in Berlin at the present moment?

2. It has been stated in the same evidence that there is but one designer for the use of all the calico printers in Berlin, and he a foreigner; and that all their works are mere copies from French or English patterns: is this information correct?

3. In imitating the designs of other countries, which are generally preferred in Berlin, those of France or those of England, and which are most usually copied ?

4. Do the calico printers of Berlin export their produce largely, or do they work chiefly for the home trade ?

5. If they export, to what countries do they send their goods, and in what quantity ?

6. Do they produce enough for their home consumption, or do they import, and if so, from what countries ?

7. Are the finest class of goods such as are in use amongst the upper orders produced in Prussia, or do they import them, and from what country ?

8. Is the chief import of fine goods into Prussia from France or from England ?

9. What is the class of goods usually imported from England into Prussia ?

10. Are the machines used in Berlin for calico printing made in Prussia, or are they imported, and whence ?

11. What is the cost of coals in Berlin ?

12. Is steam or water power used by the calico printers ?

13. What are the usual wages paid to block-printers and machine printers ?

14. Do you consider, from your experience of the state of trade in Berlin and Prussia generally, and your knowledge of what is done in the same trade in England, that the calico printers in Prussia, can produce their goods as cheaply as those of England,

and that they are likely to compete successfully with them in exporting to neutral markets?

Your kindness in directing your attention to these queries, and favouring me with your replies, at your convenience, will particularly oblige me.

I have the honour to be,

Your very obedient Servant,

J. EMERSON TENNENT.

To M. A. Stephan, Silesian Gate,
Berlin.

MR. STEPHAN TO MR. EMERSON TENNENT.

*Silesian Gate, Berlin, Oct. 16th,* 1840.

SIR,—I write this after a hasty survey, and without vouching for its perfect numerical accuracy. The leading houses in the print trade here may, as regards their standing, and extent, be ranged in the following order.

1st, Dannenberger's print works, now in the possession of Messrs. Nauen Löwe & Co., merchants. The founder and former proprietor of this beautiful establishment, Mr. Dannenberger, a man celebrated throughout the trade, printed by machinery more than 25 years ago, and has himself constructed several cylinder machines. He was considerably in advance of his competitors, and excelled as well in the chemical as the mechanical department of his art.

The works consist of a separate bleaching place for 80,000 to 100,000 pieces a-year.

Printing works complete for the same number of pieces.

Four steam engines, together 40 horse-power. Five cylinder machines, of 1, 2, and 3 colours. Two perrotines, and 250 or 300 tables. Engraving shop, with 3 or 4 machines. Designing shop, with 3 or 4 hands.

In Silesia, a large weaving establishment, with dressing machines and power looms. I believe near a hundred, driven by water and steam.

2nd, Messrs. R. Goldschmidt Soehne & Co., also an old establishment, formerly chiefly for handkerchiefs. The increase and advancement of Calico Printing has led to a great and sudden increase of their establishment. Two or three powerful steam engines. Bleaching and print works for 150,000 to 180,000 pieces a-year. Four or five machines. Perrotines. Engraving shop. Two designers. Two hundred tables.

In a hired shop they have about 40 tables, and in Charlottenberg for printing handkerchiefs only, about 30 or 40 more ; in all near 300 tables. They work for several employers.

3rd, Messrs. Oppen & Co. also work for hire ;— 50 or 60 tables, 2 or 3 printing machines, 3 engraving machines, 1 or 2 perrotines, no bleaching ; have one designer, and a great connection with French pattern drawers.

4th, Messrs. Pardow and Philipp engaged and encouraged to extend by Messrs. Levenstein & Co. since 1838. One engine of 24 horse-power. Three machines, 3 and 4 colours. Engraving shop, and very great number of rollers. No designers.

5th, Messrs. Zöllner and Toussaint, engaged and employed by Messrs. Nathan Wolff & Co. The latter have no works of their own, as Mr. Lockett mentions. Two machines. A small engine. 2 perrotines. 80 tables. Their own designer and engravers.

6th, Mr. Alexander Wolff, formerly an employer of Messrs. Oppen, and some other printers, is now gone four miles out of town to establish new works on an extensive scale. A 24 horse steam-engine. A 50 horse boiler. 2 or 3 machines made in Berlin. 200 or 250 tables. 1 or 2 perrotines. Engraving shop, —whether designers or not, do not know ; the work is only just commencing.

7th, Messrs. A. Stephan & Co. also a new concern founded in 1839, and commencing on a *small scale*, principally for woollen printing, but also for cambrics, calicoes, dyeing, and finishing, twist dyeing: intending gradually to extend to madder and other fast styles. An engine of 20 horse-power. 2 boilers, together 60 horse. 1 cylinder machine. Bleaching for 50,000 a-year. *Forty tables.** Designs are obtained from Paris.

There are some other houses of minor class, who nevertheless design their own patterns. In general, of foreign productions, French designs are the most approved, and accommodated, as in England, to the wants and taste of our own consumers ; but not to a greater extent than prevailed two years ago.

* Mr. Lockett says 150 !

As I have already stated, designers are permanently engaged by individual establishments, mostly young Frenchmen, or home educated ones, and great expense is incurred for patterns and designs drawn from Paris or England.

Copying patterns is not more practised in Berlin than elsewhere, or in England, and rather, I may say, with moderation, *more by imitating than by copying*. Patterns alone constitute not the whole source of fortune to a concern—it is in the whole harmony between taste, good execution, economy, and good management of the principal.

The principal demand here is for the home trade,—there is but little exportation. French as well as English prints are seen in our shops in great variety: but, of the highest style of dresses, the French are most liked; the English in the mediocre styles, and also in furnitures.

A good deal of the printing machines are imported from England,—engraving machines from France,—and these, as well as the home-made engraving machines, have the reputation of greater accuracy than the English ones. The cwt. of coal (=1 scheffel) costs 12 silber groschen laid down; but turf is chiefly used, and is more economical.

Steam power only is used at Berlin. The wages of printers at Berlin are nearly the same as at Glasgow. As regards the wages of machine printers, that is hardly possible to state; they vary so exceedingly with the different and various qualifications of the workman.

*Your 14th question* will be resolved, when fuel is as cheap here as in Lancashire, when our manufacturing population shall be as long and as well trained, and as it were, educated for manufacturing, as yours, and* WHEN CONSUMPTION SHALL BE CONSIDERABLE ENOUGH FOR EXTENSIVE EMPLOYMENT!

I beg pardon for all the mistakes in my use of your language in this letter, written in the greatest haste, and with sincerest compliments, am, &c. &c.

A. STEPHAN.

*Berlin.*

The next communication, I shall insert, is from one of the most eminent commercial men in Berlin, M. Dannenberger, a gentleman of great wealth, amassed by manufacturing industry in many branches of business, but as he says himself chiefly by 40 years' application as a Calico Printer. He is now associated in all the great undertakings of the Government, connected with public works or commerce, and his name is familiar throughout Germany, as one of the most intelligent, enterprising, and successful men of business.

*No. 53, Deutschen Hause, Dönhofs Platz, Oct.* 16, 1840.

MY DEAR SIR.—Your long and extensive expe-

* Whether Prussia is likely to compete with England?

rience in the trade of Calico Printing, not only in Germany but in England, induces me to trespass upon your time, in order to solicit your attention to the statements regarding the statistics of the trade in Berlin, which you will find in the evidence given before a Committee of the House of Commons of England, in the last session of Parliament, sent herewith. As you are intimately acquainted with the houses engaged in Calico Printing, in this city, and long a proprietor of one yourself, may I, in the first place, beg to know, from you, whether the following details of its present extent are correct?

You will find it stated at Questions No. 8727, et seq., that there are in Berlin the following principal houses:—

1. *Messrs. Levenstein and Co.*, a new house, printing 2,000 pieces per week, and having 3 machines.

2. *Messrs. Goldschmidt and Co.*, employing 1,500 to 2,000 hands, having 520 tables, 6 machines, and 2 or 3 perrotines; and *exporting largely* to New York.

3. *Messrs. Zöllner and Toussaint*, with 3 machines and 150 tables.

4. *M. Oppen*, with 4 machines and 4 engraving machines.

5. *Messrs. Nauen, Löwe and Co.*, with 5 machines, 400 tables, and 4 engraving machines.

6. *Nathan Woulff*, with 2 machines, 100 tables, and 1 engraving machine.

7. *Mr. Stephan* with 3 machines, and 150 tables.

8. *Alexander Wolff and Co.*, 3 machines, 2 perrotines, and works calculated to produce 5,000 pieces per week.

In addition to these, it is stated that there are 12 or 15 other minor houses, without machinery and without designers.

Now, may I ask of you your opinion, on examining this list, as to its correctness; and whether it affords a just view of the present state of the trade in Berlin?

2dly, It has been stated that there is but one designer in all Berlin. Is this correct?

3dly, May I ask you whether Prussia at present prints calicoes for *exportation?* and if so, of what description, and to what countries?

4thly, Does Prussia *import* printed calicoes? and of what description, and from what countries? and to what extent?

5th, What description of goods are usually imported into Germany from England? and is their importation increasing, or is it diminishing?

6th, What proportion does the quantity of French *fine* goods consumed in Prussia, bear to that of English and German goods of the same description?

7th, Are the machines for calico printing used in Berlin, made there, or elsewhere? and what is the relative cost when made at home, and imported?

8th, Are the expenses of calico printers, in Berlin, for engraving, wages, fuel, &c., higher or lower than in England?

9th, In preparing designs for calico printing, in Prussia, is French taste taken as a standard, or English? and amongst those who copy the designs of others, are French or English patterns preferred for that purpose?

10th, Is it your opinion, from your knowledge of the relative situation of the two countries for commerce and manufactures, that the calico printers of Prussia can produce as cheap or cheaper than those of England—or, that they are likely to sustain a successful competition with them in exporting to neutral markets?

11th, May I ask you to let me know the usual wages paid to designers, engravers, and calico printers, in Berlin?

And if any other point strikes you, to favour me with your opinion upon it.

Your attention to this request, and your early reply, as I leave to-morrow evening for Dresden, will much oblige me.

I have the honor to be,
Yours very truly,
J. EMERSON TENNENT.

To M. DANNENBERGER, &c. &c.

To this, M. Dannenberger's reply, received the ensuing day, was as follows:—

J. E. TENNENT, ESQ.

*Berlin, 17th October,* 1840.

DEAR SIR,—As you expressed a wish that I should answer the questions you kindly put to me in English, I must crave your indulgence, as it is several years since I have had an opportunity of cultivating, or rather improving myself in, that language. Should I in any instance not express myself with sufficient clearness, I am willing to afford you any further explanation, and beg to assure you that I have answered the questions submitted to me truly, to the best of my knowledge, and from the experience of forty years, having been occupied on a print ground since my 12th year.

1. Mr. Levenstein (the printers are Pardow and Philipp) has 3 printing machines and 1 perrotine, the perrotine is made at Berlin by Mr. Hummel, and produced about 1000 pieces per week.

2. Messrs. Goldschmidt & Sons, about 260 to 300 tables, 800 to 900 hands, 6 machines and 1 perrotine.

3. Zöllner and Toussaint, 1 machine, 3 perrotines, 70 to 80 tables; but they will set up a second machine.

4. M. Oppen, 3 machines, 3 engraving machines.

5. Messrs. Nauen, Löwe & Co., 5 machines, 4 engraving machines, 230 to 270 tables, 750 to 800 hands.

6. Nathan Wolff, is Messrs. Zöllner and Toussaint;

they are engaged by him; Nathan Wolff is the merchant.

7. Mr. Stephan, 1 machine, 40 tables; he has been in my works for 8 years.

8. Alex. Wolff, 3 machines; he produced about 1000 pieces per week. What he *will do*, I don't know; but I think not so much. There are about 10 other printers; but they have no more than 150 tables altogether, no machines, and only one, Mr. Vrouw, has a designer.

Question 1. *The state of the trade at present is very low.* The last Leipzic fair has not answered, and the English calicoes were *sold very cheap.*

2. Messrs. Nauen, Löwe and Co., have 5 designers, and 2 lads; 4 of them are French, 1 is a German, and they pay them altogether 5000 dollars the year; they give one of the French 5000 francs, the other three 4000 francs the year.

3. *The Prussians print no calicoes for exportation,* only handkerchiefs and shawls, and since three or four years, in small quantities, for America (New York.*)

4. The import of printed calicoes is in quantity nearly as great as five or six years ago, but the price is much lower.

5. All kinds of cotton goods are imported into

* No better evidence can be given of the slight fear that may be entertained of any competition from the United States, when even Prussia can recommend herself in their markets, and export those ordinary articles to her — the most simple of the entire productions of the calico printer?

Germany from England, and in the last year the importation of light woollen goods is increased.

6. In printed French calicoes the proportion is about 1 French to 5 or 6 English square yards; the first are only for the higher class, they are much dearer, but better in quality and execution.

7. The most of the machines used for calico printing in Berlin are English. Messrs. Nauen, Löwe & Co.'s printing machines are made at their own works, or by M. Hummel, at Berlin. They have only one English printing machine. The first engraving machine was made at the work in 1820; two by M. Hummel, all from the same models; one is French for light work. All the machines for engraving are made at the work, but latterly they got 2 pressing machines, made by Oram at Manchester; 3 steam engines are English; 1 is made at Berlin by M. Egells. All the other machines are made at this work, *and the price is about the same as imported from England, and is about* 40 *per ct. higher than in England.*

8. The expense for engraving is *higher per piece than in England.* Then they cannot calculate so many pieces printed by one pattern, as they print in England; *they have not the large market.*

The fuel is *nearly three times dearer than in England,—we get the coals from England!* and 1 scheffel costs 9 silver groschen. Turf is nearly 10 per cent. cheaper, but they cannot get enough;—(when you go to the works of Messrs. Nauen, Löwe &

Co., you will see they have, for such a price, not your best coals.)

9. The French taste is taken as a standard by Messrs. Nauen, Löwe & Co., and in the most part by Messrs. Oppen & Co. and I paid for an original pattern, when it has done 400 pieces, a remuneration to the designer; and Messrs. Nauen, Loewe & Co. do the same; the most of the other printers take the French and the English taste, and some of them prefer the English.

10. *The calico printers at Berlin and other parts also, cannot produce their goods so cheap as in England.*

11. The designers are paid, as I mentioned before, 1400 dollars the year, some 1100 dollars. Good engravers 8, 9 to 20 dollars per week; machine engravers 7 to 12 dollars per week; machine printers 8 to 9 dollars; the English printers by Messrs. Pardow & Philipp, get 2*l.* 10*s.* and 3*l.* Block printers are paid 7, 8 to 10 silver groschen per piece, one eighth wide, 28 yards long. Block cutters 5 to 6 dollars per week; common workmen one-half-dollar per day; but they do not so much work, from what I have seen, as they do in England, as they will not work so many pieces in one day as they work in England; they spend more time in loading the wash-wheels, and also in taking out the pieces.

Should any further explanation be necessary, I shall at all times, with much pleasure, be at your service, and

Remain with greatest esteem, &c.

F. F. DANNENBERGER.

A third letter I addressed to a gentleman well known in England, Professor Wedding, of the *Gewerbe Institut*, at Berlin, one of those admirably conceived establishments, founded by the Government for the training and instruction of artisans in every department of manufactures, which combines science, art, and design with dexterity and mechanical skill. Mr. Wedding's official connexion with the Department of Trade in Berlin, brings him into perpetual intimacy with all the facts connected with the progress of manufactures, and the development of trade, whilst his superintendence of an institution for the promotion of the arts of design, gives the highest possible authority to his opinion of its progress in Prussia.

*Berlin, October 15th*, 1840.
*Gasthof zum, Goldenen Adler, im Deutschen Hause, Donofs Platz.*

My dear Sir,—I send you along with this the evidence given before the Committee of the House of Commons of England appointed to inquire into the propriety of extending the copyright of designs for calico printing in that country, and I would beg to direct your attention particularly to that portion of it which refers to the state of the trade in Berlin.

You will find in it many assertions relative *to the low condition of the art of design* for that branch of manufacture in Prussia; and as you, from your position, as connected with an institution especially founded for the promotion of art as applied to manufactures, must have the best opportunity of knowing

its real progress and advancement, I am particularly desirous to have your opinion as to the accuracy of the statements contained in the volume which I send.

You will observe that in answer to question 8747, one of the witnesses states that he had *from personal enquiry* "ascertained that there was but one designer in Berlin, and he a Frenchman." And in answer to another enquiry (No. 8808-9), he says that there are from 12 to 15 calico printers in Berlin, who have not "a single designer among the whole lot, but are chiefly employed in making copies of French designs." May I ask whether this statement is in your opinion quite correct?

And if it be the case that in their productions the calico printers of Prussia confine themselves solely to copy from the designs of France, and a few from those of England, may I ask you, to what circumstance in the position of the three countries you ascribe so curious a fact?

From your extensive personal knowledge of the industrial arts, both in Prussia and in England and elsewhere, I would like also to be favoured with your opinion on one or two other points. And,

1. Whether you think, taking into consideration the relative circumstances of the two countries, the Prussian printers are able to produce printed calicoes *cheaper* than those of England; or are likely to compete successfully with them in exporting to neutral markets?

2. Does Prussia *import* printed calicoes at present for her own consumption, and from what countries, and of what description, fine or medium goods?

3. Does Prussia export calicoes to neutral markets, and what is the class and description of goods she can profitably send to them in competition with France and England ?

Your answers to these enquiries, and your opinion on any other points that strike you in reading the evidence, will much oblige me.

Yours, most truly,

J. EMERSON TENNENT.

To Professor Wedding, the Institute
of Useful Arts, &c.

P. S. As I am anxious to leave for Dresden tomorrow, your reply before evening would much oblige me.

*Berlin, 19th October,* 1840.

MY DEAR SIR.—Soon after receiving your lines, posted from Treuenbrietzen, I wrote to M. Stephan, in order to send me the patterns, marked with prices, as he has promised. But as the time is very short, and the confusion in consequence of all the festivals very great, I am sorry not to be enabled to correspond with your wishes with regard to them.

With respect to the questions, No. 8747 and 8808, 9. *Mr. Lockett is quite wrong* to suppose, that our printers have no designers, as well as that they merely copy French or English patterns. All the printers you have visited have from five to six designers, some German, others French (from Alsace), and they are, according to their skill and ingenuity, paid very high, from 800 to 1,500 dollars Prussian. A pattern

designer must be assisted by different patterns, to be informed of the foreign taste as well as to get new ideas. In our institution we keep a Sunday-school, merely for instructing young printers and weavers in the art of pattern designing; and for the purpose, the Prussian government has published a work: *Vorbilder für fabricanten und Handwerkar*, which you have seen: besides we have a very rich collection of French books, for instance, "*les plus belles fleurs et fruits par tredouté*," and then we get nearly every month patterns (printed and woven) from Paris, by the assistance of Mr. Hartman, who is very well known in Manchester, which are sent and communicated to our manufacturers, and afterwards used in the Sunday school.

The taste is, amongst our ladies, very changeable,—one year they prefer English, the next French. A most eminent pattern designer, as well of prints as of weaved goods, is Mr. Bötticher, professor of pattern designing at the institution; he is also very well known as pattern designer of Berlin needle-work and carpets.

Our printing machines are not all from England; they are only few of them English; the same is the case with the engraving machines. Some are made, and very good, (decidedly with improvements, which I have not seen in England,) by Mr. Humel here; others are made at Mulhausen, at Prague (by Mr. Leitenberger); and our manufacturers rather now prefer to get their machines here from the Continent, (also from Ghent), than from England. The export from France,

Bohemia, and Belgium is not prohibited, and they are therefore not obliged to pay the high premium of 30 *to* 70 *per cent., which is the custom in England to charge.* It would be, as it had been, rather the contrary, if the export of machinery from England had been free. But, by your prohibition, you have obliged our mechanics to erect machine for themselves with good taste, and by and by they are growing more extensive, and are managed with great skill and cleverness. At present *a manufactory,* (as *a print work,* spinning mill) *is here nearly* 70 *per cent. dearer to erect, than in England.* At first, it was want of money and confidence, but since few years, and I might say, since the beginning of building rail-roads, the money is easily got for manufacturing establishments. You find now cotton mills, sugar refineries, flour mills, &c., built by shares, which some years ago was quite impossible to undertake.

OUR PRINTERS CANNOT PRODUCE THEIR GOODS AS CHEAP AS THE ENGLISH. *In the first place they must pay nearly from* 5 *to* 6 *per cent. interest for their capital; the cloth, the machinery, the coals are dearer. At present there is a duty of* 2 *dollars per cwt. on cotton yarn; and* 50 *dollars per cwt. on printed goods;* WITHOUT THE LATTER PROTECTION OUR PRINT WORKS WOULD BE OBLIGED TO SHUT UP.

Since the opening of the frontiers, between the different states of the League, our print-works have been increasing, but the market is not supplied enough with home-made prints. During the last fairs of Frankfort, and of Leipzig, a great quantity of

printed goods were imported from England, and as much as I know, *the imports have been greater in the course of this year, than some years ago.* The goods, which are chiefly exported to Prussia, you can judge; for instance, in the warehouses of Mr. Bernhard Liebert, and some others in Manchester, Mr. Findeisen, (firm of S. A. Liebert.)

We have exported, some years ago, some shawls and common handkerchiefs, to England and to America, *but at present we export none.*

Our chief places for producing printed goods, are in Silesia, Brieslau, and Reichenbach; here, Berlin, Potsdam, Charlottenburg, and Kopenick; Eylenburg near Leipzig, Elberfeldt, Bonn, Neuwied, Gladback, and Crefeld.

Believe me, that I remain, with the highest respect,

My dear Sir,

Your most obedient servant,

WEDDING.

## ELBERFELDT.

Mr. Lockett, in the course of his mission, visited Elberfeldt, in the ancient duchy of Berg, a town upon the Wepper, which, with Barmen, which is only separated from it by the river, but united by a bridge, contains upwards of 50,000 inhabitants, all busily engaged in manufacture of almost every description in silk, woollen, linen, and cotton. It is, in fact, the most important manufacturing town in Prussia, second only, in this respect, *if* second, to Berlin

itself. At this place, Mr. Lockett says, that he visited the works of Messrs. Bockmühl and Co. and obtained all his information from them. I shall therefore take the liberty of inserting his evidence, sentence by sentence, and a letter of M. Bockmühl addressed to Mr. Thomson, and which distinctly and categorically refutes every assertion of Mr. Lockett—*alleged to have been made upon the authority of the writer himself!*

*Committee Room, 26th May*, 1840.

8705. Mr. W. Williams. *Have you visited Elberfeldt?*

Mr. Lockett. *Yes.*

8706. *Are there any print-works there?—I visited the works of Messrs. Bockmühl and Co.*

8707. *Are they extensive?—Yes, they are extensive.*

8708. *Long established?—They have been established many years.*

8709. *What do you consider to be their ability to produce, in point of price, as compared with the calico printers of Lancashire?—He told me distinctly that certain styles he could produce at less cost than we can in England.*

LETTER OF M. BOCKMUHL TO MR. THOMSON.

Sir,—You have communicated, to us, an extract from an enquiry into the subject of Copyright of Designs, in which mention is made of our establishment.

We remember that Mr. Lockett came to see us, in company with an English Professor (!)* and that these gentlemen asked us many questions, *but it appears we were not well understood*, for the manner in which our answers are represented, is very *incorrect*. We particularly notice the following.

House of Commons Report, page 502, number 8709. We did *not* say that we could manufacture some articles at a lower price than England. Labour does not cost us so much, but coal is dearer, and general expenses greater—these, and the duties upon every thing which we employ in manufacturing, increase the cost of our work.

8710. *Is there a railway now in course of construction from Dusseldorf to Elberfeldt?—Yes, principally for the conveyance of the coals to Elberfeldt, which is now the seat of considerable manufactures of cotton and other substances.*

8711. *Will that have the effect of reducing the price of coals at Eberfeldt?—It is distinctly the reason for which the railway is made.*

The railroad from Dusseldorf to Elberfeldt will *never* be used for conveying coal, the mines of which are in an entirely opposite direction. It would be more likely that coal should be conveyed from Elberfeldt to Dusseldorf by the railway.

* Mr. J. Riddle Wood of Manchester.

8712. *Is machinery for printing purposes imported into Elberfeldt?—Yes.*

8713. *From what countries principally, France or England?—The machinery employed at this establishment came all from France.*

8714. *Is there any duty paid in that country on the importation of machinery?—I believe, when the machinery is such as cannot be made in the country, that the government gives an order that it be admitted free of duty.*

8715. *Then do they get their machinery from France in preference to England, because they can purchase it cheaper in France?—It is because they consider they can get it cheaper; but that is quite a mistake, as has now been shown to them, because printing machinery is allowed to be exported from this country, and an opinion has gone abroad on the Continent for many years that all sorts of machinery were prohibited, when, in fact, printing machinery has been allowed to be exported since, I believe,* 1825, *under Mr. Huskisson.*

Government *sometimes* allows the free importation of machines, if they are on an improved plan; but subject to many restrictions.

8715. English machines are cheaper in that country than French ones in France; the expenses of carriage are about equal; but the expenses of exportation from England, and packing, are so enormous, that we are obliged to purchase them in France, with the exception of rollers, which we obtain from Manchester.

8716. *Are natives of the country employed in the engraving department at Elberfeldt?—Yes; I was through the establishment, and examined it very attentively. There was not a single person there that could speak a word either of English or French; they were all Germans.*

8717. *Have English Engravers been formerly employed there?—I do not believe they ever employed any English engravers: but the system of engraving which they practise is what the French got from us* 14 *years ago.*

8716—8717. Granted.

8718. *What is the class of prints produced there?—They do a good class of prints. When I say good, I mean such as the better class of people would use.*

8719. *Do they produce their own patterns, or do they copy from English or French?—I do not believe they have a desire to do so; for in going through the establishment I saw, I should consider,* 30 *or* 40 *patterns in preparation, and they were all of them copies of either English or French, or a mixture of both.*

8720. *Which do you consider was most extensively copied, English or French patterns?—I should consider the French were more copied than we were by this party, because the French naturally bring out a superior quality of print to what we do.*

8721. *But still they copy English patterns to a great extent?—Decidedly so.*

8718, 8719, 8720. We sometimes copy the best productions of other countries, or adapt them to the taste of our own; but if we copy, they are

expresses it, the *fuel* which they import from England, can be laid down as cheaply at Berlin as at the pit's mouth, where it is raised in Lancashire or Newcastle,—till Prussia can attain, as if by intuition, that mechanical skill, which is the result of centuries of improvement and instruction in Great Britain; and till the circumscribed population of the German League can exhibit as great a demand and consumption as the millions that people the colonies and dependencies of England. Nothing can more strongly demonstrate their wholesome terror of English competition than their formidable prohibitory duty of 7*l.* 10*s.* per cwt. upon printed goods when printed, a protection without which Mr. Wedding declares, that "the print works of Prussia would be obliged to shut up;" and yet in spite of it all, English goods are poured in quantities year after year into their markets, and the amount sold at the fairs of Frankfort-on-Oder, and Leipzic, was, according to M. Dannénberger, both greater in extent, and cheaper in price during the present year than in any preceding one. *Export trade she has none,*—the experiment was made in the most ordinary articles, those which she could produce the cheapest, and proved an utter failure; in fact, so far from being able to produce for foreigners, M. Dannenberger demonstrates that she cannot produce sufficiently to supply her own demand at home, and whilst her fairs are supplied with medium goods from England, the wealthier classes, *despite the higher price,* and the prohibitory duty, take a constant supply from France.

This latter fact, too, is an honourable illustration of the legitimate empire and ascendancy of purity of *taste and genuine beauty*, as compared with the mere vulgar and sordid consideration of cost and price. With the uneducated and the impoverished mass, the latter is all in all; and even with the wealthier, but less enlightened and intellectual classes, whose perceptions of elegance are dull and uncultivated, economy and cheapness will recommend a navy blue, or the commonest Manchester piracy in preference to the more costly but delicate productions of Switzerland or Alsace. But there is still in every country a numerous rank whom refinement has taught to admire and to appreciate excellence, and to whom the difference of price between it and mediocrity presents no restraining consideration. Thus, whilst England, by her moderation in prices alone, is enabled to pour her homely productions, her "dessins lourds," as M. Briavoinne describes them, into the fairs of Saxony and Prussia; France, bold in the consciousness of her superior taste and beauty alone, fearlessly enters the same market beside her, and obtains with facility, for an article of the same quality, but of infinitely finer design, a price which it is absurd and ruinous for her to presume to ask. Extent of demand, it is true, is the grand secret of lowness of price; it is the millions that consume, that enable the English printer to undersell all the world, not the miserable cheese-parings of differences in wages or facilities of fuel; and yet France, with only thirty-six millions of consumers, enters the market successfully in competition with England, who has

*two hundred*, and commands a triumphant preference by her beauty, where her rival is only tolerated for her humility of price.

What then is to prevent England, by adopting the same means for cultivation and improvement as France, from attaining the same pre-eminence?—unless, as suggested by Mr. Brooks, the Frenchman has some "*natural*" organization for calico printing, which the Creator has withheld from us in England, —some glands in the brain for the secretion of designs, which are only to be found in the natives of Paris and Mulhausen. England, with an equal copyright, a measure of protection and encouragement, such as exists in France, would speedily attain the same pitch of excellence and taste, and thus doubly armed with her own economy and her rival's beauty, would in a few years become the undisputed favourite in every market in the world.

When at Berlin I took occasion to visit the principal works there of Messrs. Nauen Löwe, Messrs. Goldschmidt, and M. Stephan; and my observations and enquiries, answered by the proprietors themselves, served in every instance, to disprove the representations of Mr. Lockett, and to confirm the accuracy of M. Dannenberger and Professor Wedding. Mr. Stephan's establishment is but small as yet; it contains but forty tables; and at the period when Mr. Lockett states that he visited Berlin for the purpose of investigating the extent of the works, Mr. Stephan says he had but four or five tables erected, though Mr. Lockett gave him credit for one hundred and fifty!—*Ex uno disce omnes.*

The works of Messrs. Goldschmidt are extensive, but ill arranged and irregular; the number of hands they employ, for want of system, creating a confusion and disorder in every department, very unlike an English manufactory. Like the generality of the German printers, they have no division of labour, but import their yarn from England, at a duty of two dollars per cwt., and get it woven in Silesia, to avoid the still higher duty of fifty dollars, if they imported the cloth ready made: thus loading the grey calico with all the increased costs of sea and land-carriage charges and insurance, before it comes to be printed at all. Their machinery is chiefly English, bought at an expense of from 40 to 70 per cent. above the ordinary price in England; and their wages for engraving, which is all done on the works, are from 8 to 10 and 12 dollars a-week, according to the skill of their artists. Mr. Goldschmidt, who accompanied me over the works, told me that they had ceased to take engraved rollers from England; that they had only been ordered at any time for sake of the excentric groundworks, and by no means from any desire to have English designs, as they can only make use of French; but that the taste for excentrics had now exhausted itself in Germany, and he had refused to give any new orders to two agents of two houses who were at that moment in Berlin to try to make sales. The fuel which they were using was turf, of which there were piles of enormous extent on the premises. They employ five designers, who receive from 14 to 16 dollars per week; but their produc-

tions were of a very inferior class, and their execution in every respect slovenly and inelegant. Instead of singeing the grey calico before printing, as is done in England, they use the *tondeuse*, a species of shears, which not only cuts off any flaw from the cloth, but, as it takes off at the same time any knots or inequalities of the thread, is liable to cut it into small holes wherever these occur. Messrs. Nauen Löwe rejected the use of this machine in their works altogether for this reason; and yet its adoption is one of the instances of improvement in mechanical processes cited by Mr. Ross, as one of his incentives to alarm for the progress of calico printing in Belgium.

Messrs. Goldschmidt showed me specimens of some orange and black shawls which they once exported to North America, and which constitutes "the export trade of Prussia," alluded to by Mr. Lockett; they were such articles as would be utterly unsaleable in a booth at an English fair, so wretched is their taste and texture; Mr. Goldschmidt told me they sold for about four dollars a dozen, a shilling a piece, but that they have latterly discontinued exporting them—the entire of their trade being now for home consumption within the Prussian League.

The works of Messrs. Nauen, Löwe, and Co., formerly in the possession of M. Dannenberger, are in every respect, except their extent, the very antipodes of the Messrs. Goldschmidt's. Their arrangements are most systematic, and their productions the very finest in Prussia. In the range of buildings we can see

the grey cloth enter at one end, and we can trace it from room to room through all the processes of singeing, washing, bleaching, dying, and printing, till it issues a finished article at the other. In block printing, which is chiefly manual labour, they told me it was their opinion they could produce as cheap as the English, from the lower rate of wages to that peculiar branch; but in every thing produced by machinery, or connected with it, *it was in vain to attempt competition with us*—their machines were dearer, their engraving higher, their workmen more expensive, their fuel double the price, and their cloth woven in Silesia, from English yarn, much more costly, whilst their market is but a fraction as compared with the consumption of Great Britain. The consequence is, that they with difficulty hold their ground at home, but they have utterly abandoned all idea of exportation. *Thus in the two establishments which represent the extremes of production in Berlin, Messrs. Goldschmidt's, whose goods are the cheapest, and Messrs. Nauen Löwe the most expensive, the proprietors of both frankly and unreservedly admitted the utter hopelessness of any successful rivalry with the calico printers of England, in exporting to other countries, or even by prohibitive duties of keeping them out from a lucrative competition in the markets of* GERMANY *herself.*

### *Sect.* 2.—*Saxony.*

During the last summer I visited Saxony, and spent some time at Chemnitz, which is the chief seat of its manufactures of machinery, hosiery, cotton,

and calico printing. The latter art it derived from Augsburg in the early part of the seventeenth century, when it was first established in the Erzegeberge and Voigtland, and its first essays were in printed muslins for turbans, which were sent to the East. But the trade was utterly ruined by the Seven Years' War, one printer in Chemnitz being compelled by Frederick the Great to contribute no less than 10,000 dollars towards its expenses in a single year. On the restoration of peace, numerous establishments sprung up at Plauen, Pirna, Frankenburg, Zittau, Chemnitz, and Grosenhein, where a print work was erected by the Electress Marie Antonine, in 1763, which afterwards became the property of the crown, and was sold to a private speculator in Leipzic. It is still in existence on a small scale. The interference of government, however, accompanied as it always must be by special favors and privileges, tends to the ruin of that healthy competition on which all manufacturers must depend for their advancement, and it was speedily withdrawn in Saxony. Chemintz however continued to be its chief seat, and had in 1792 eight establishments, but on a small scale, with not more than 140 tables in all. The wars of the French revolution were alternately productive of prosperity and ruin to Saxony, at one time giving her a large share of the supply of Germany, and at another sweeping away her artizans and establishments in the vortex of commotion. From 1807 to 1814 she had a considerable trade in exporting headdresses for the Clergy to Russia, and during the continental system her presses were seldom idle; the

prohibition of English goods enticing them into an extension, that on the deposition of Napoleon served to precipitate their ruin by the pressure of their own weight. In 1812, there were at Chemnitz 616 tables; at Frankenburg, 95; Zwickan, 9; Penig, 27; Pirna, 72; and in a number of minor places about 40 more. In 1814 there may have been from 900 to 1000 tables in all Saxony, which were speedily reduced when the markets became deluged with the hitherto pent-up productions of England, the low prices of which swept all before them. In Chemnitz many establishments closed, and the average for a number of years did not exceed 400 tables, which however gradually increased as the great fairs of Leipzic recovered their ancient vigour; and when, in 1834, Saxony joined the Prussian League, Chemnitz had between 500 and 600 tables. This step, whilst it cut her off from the markets of Bohemia and Austria, admitted her to whatever share she could secure in those of Prussia and Southern Germany; and in 1837, the number of establishments throughout the kingdom rose to 30, and the number of tables to about 7,800.

One circumstance however places it at present out of the power of Saxony to meet the competition of Berlin, much less that of England,—*her works are still carried on almost exclusively by hand and block-work, and the use of machinery has been but imperfectly introduced,* the cylinder work, where the latter is employed at all, being almost confined to one colour, and the others, if required, filled in with the pencil and the hand. At Chemnitz I visited the works

of Messrs. Pflugbeil and Co. the largest establishment in Saxony, employing about 600 hands for printing alone, independently of those engaged in preparing the cloth which is woven upon the premises. They have but *one* machine made at Chemnitz, to print in three colours, but they have never used it with more than *one;* a perrotine made at Berlin, which although it cost 200*l.* they prefer to the use of the cylinder. Their engraving is done upon the premises; the wages given to the engravers vary from 3*l.* to 4*l.* a-week, and yet they find this more economical than to import engraved rollers from England, which they have discontinued. A block-printer earned on the works 4 dollars a-week, whilst a machine-printer could not be had under 6 or 7. They have four designers, chiefly employed in making imitations of the French; and French goods, they informed me, such is the appreciation of their style, were largely imported, notwithstanding the duty of 50 dollars the cwt. English goods also were in extensive demand, although being of medium quality, the prohibitive duty collected by weight fell heavier on them by far, than on the light and elegant fabrics of France. *From Chemnitz they export none.* Some years ago they made an attempt to send some handkerchiefs to the United States, but the venture was unsuccessful, and the speculation abandoned.

Almost their entire production is in block work, and chiefly in large patterns for mousselines de laine, shawls, and transparencies. In the latter article particularly, they have had a successful trade for some

years, putting in as many as 10 and 15 colors by the hand, and selling them at 6*s.* for a yard and a half. Their block cutters earn from 6 to 7 dollars a week. The proprietors complained to me most sensitively of the additional cost which the incessant demand for novelty imposed upon them, and the impossibilty, selling as they do to a very limited circle, to make one design pay itself before it becomes necessary to produce another. The sale of 300 pieces of any one design, they considered most extensive and successful.

Their coals from Zwichau, cost 14 greschen the scheffell, above 1*s.* 9*d.* for 177lbs.; and their steam-engine made at Chemnitz, consumes 11 to 12 lbs. per hour per horse power. Their wages, generally, notwithstanding their inferor work, were as high as those of Zurich and Alsace; and their cloth cost for medium prints, 6 dollars for a piece of 40 yards long, and from 32 to 34 inches wide,—an inferior and lower article, 20 to 22 inches wide, and 30 yards long, could be had so low as $1\frac{3}{4}$ dollars, or above 5*s.*

In Chemnitz, there are five other considerable establishments, and some small, but their united production does not exceed 100,000 pieces per annum,—an amount so trifling as to excite a smile when I mentioned the idea of their arriving at a successful competition with England in calico printing.

At Chemnitz, I had the pleasure to make the acquaintance of M. Wieck, a gentleman of extensive commercial and statistical attainments, and author of a work upon the manufactures of Saxony, which is

held in high repute throughout Germany, entitled "Sachsen manufacturund Fabrickwesen."* On leaving Saxony, I addressed to him some queries with regard to its industry generally, and amongst other branches, that of calico printing; and from his answers addressed to me at Hamburg, I shall beg leave to make here an extract in reference to that branch of trade.

*Chemnitz, 21st October*, 1840.

MOST HONOURED SIR,—According to my promise, I hand you the answer to your queries respecting Saxon industry, and hope they may be satisfactory. (*Here follows the observation on Silver mines, Iron works, Cotton spinning, linen weaving, hosiery, &c. &c.*) You ask *how many printing establishments there are in Saxony?*—there are 15 print works in Chemnitz, with about 600 tables, and about as many others in the other Saxon villages, with perhaps 400 tables more. *Does Saxony import any printed calicoes from France?*—Very little. *Does she import from England?*—A considerable quantity. *From what you know of the relative cost of production in the two countries, do you consider that the printers of Saxony can produce their goods* CHEAPER *than those of England, and that they would compete with them successfully in exporting to neutral markets?*—The goods printed by hand, (block printing,) is cheaper in Saxony than in England, for such articles as handkerchiefs, and goods with five or six colours, (mille fleurs); but with regard to roller printing, *Saxony cannot compete with England in neu-*

* Chemnitz, 1840.

*tral markets,* because England, having so many channels for selling goods, can produce a vastly greater number of impressions of one and the same pattern. *Scarcely is the Prussian League able to stand against the English printed goods even in its own markets.*

I have the honor to be
Your most humble Servant,
FREDERICK GEORGE WIECK.

To J. Emerson Tennent, Esq.
Hamburg.

### *Sect.* 3.—*Bavaria, Wurtemburg, and Hamburg.*

Mr. Lockett, in concluding his evidence before the Committee, on the condition of calico printing generally in other countries, summed up the result of his "experience" and observation, not only in Prussia and Belgium, but in the other states of Germany, by a startling assertion of his full conviction that "from *the experience* he had had, he should say that printed calicoes can now be produced in foreign countries generally 25 *per cent. cheaper than in Great Britain.*"* In passing through Bavaria and Wurtemburg, I have borne this bold assertion in mind, and have not failed to make due enquiry from those engaged in the

* Question by *Mr. W. Williams.* It has been stated to the Committee that prints are produced 25 per cent. cheaper in this country than they can be produced in foreign countries. Does your experience enable you to say whether this statement is accurate? Mr. LOCKETT *From the experience I have had,* I should say that it is more likely that they can produce them 25 *per cent. cheaper than us,* than we 25 per cent. cheaper than they. Evidence, Question 8847.

trade in these countries also as to its accuracy; and although Mr. Lockett declares that his assertions are the consequence of his "*experience*," the result of the enquiries which I have made of the printers themselves, proves his representations to be utterly at variance with the real facts.

Bavaria was the earliest seat of calico printing in Europe, and Augsburg may in fact be said to have been its cradle, whence it was imported to England and France; Alsace and Switzerland, even so late as the seventeenth century, deriving a portion of their supply from the printers of the Imperial city. With the improvement of other states, however, Bavaria of course lost her superiority, and at the present moment Augsburg retains but a remnant of its ancient staple industry. There are still three extensive printing-houses, that of Messrs. Schoppler, Hartmann and Co., which produces annually about 45,000 pieces, and those of Messrs. Dingler and Messrs. Froehlich, whose joint production would amount to about the same. The entire quantity printed at Augsburg would not exceed 100,000 pieces per annum, and those only of a medium quality, designed for home consumption alone. Export trade they have none,—unless a trifling quantity taken in Saxony, where the Bavarian prints are in somewhat better esteem than their own, owing to their superiority in colours and in cloth. The original style, which still bears the name of Augsburg, consists of flowers, thrown upon a dark ground, and is still a favourite, from its home-

liness and economy; but for the designs, even for these, the Bavarian printers are indebted to the French, whose patterns are extensively copied and adapted to their purposes. They have no law of copyright, the facility with which they appropriate the superior inventions of the French, doing away with any temptation to prey upon the production of one another. Their engraving they have partly executed at Augsburg by artists educated in France, and partly received from England. Their machinery is of the simplest kind; they employ no steam, using only water power applied by means of the Turbine. The perrotine has not yet been introduced, and the entire of the work at the most extensive house in the trade, that of Messrs. Schoppler, is done by 1 one-colour machine, and 3 of two, three, and four colour, made in France. The wages paid at this establishment are for block-printers 24 kruizers, or about *eightpence* per piece of 30 yards; and for machine printers from 8 florins, (about 13*s.* 4*d.*) to 5 florins a week.

In the kingdom of *Wurtemburg* a trifling trade is carried on in printed calicoes, but so inconsiderable as hardly to deserve mention. There are two small establishments, one of Messrs. Mebold & Co. at Heydenheim, and another of Messrs. Schellhorn & Co. at Memmingen; but their productions are of the most ordinary kind, and suited only for the home consumption of their own wretched peasantry.

*Hamburg* is another quarter to which the observation of Mr. Lockett is designed to apply, that Conti-

nental printers can undersell those of England by 25 per cent.* I took occasion in November last, when in Hamburg, to make some inquiry as to the condition of the trade, and found it as might be expected in so circumscribed a field, trifling and unimportant, the circumstance of foreign calicoes being admissible into the city at almost nominal rates, bringing it into

* *Chairman.* 8571. Are English prints imported into Belgium and the Hanse Towns pretty extensively at present?—*Mr. Lockett.* There are not many English prints imported into Belgium at present.

8572. You separate Belgium from the generality of the Hanse Towns?—*Mr. Lockett.* Certainly; Belgium is an exporting country to the Hanse Towns.

8573. What towns do you include as the Hanse Towns?—*Mr. Lockett.* Hamburg, Bremen, and *Stettin up the Elbe.* (*Mr. Lockett must be under some mistake, as Stettin is in Pomerania, at the mouth of the Oder!*)

8574. Are those producing countries? Are there calico printers in those towns?—*Mr. Lockett.* There is *one* calico printing establishment at Hamburg, rather more than four miles from Hamburg, and he is printing good styles of work, fine Mousseline de Laines, and Challis, and such articles as sell amongst the higher class of that country.

8575. The duty, I believe, on printed calicoes into all the Hanse Towns, is alike?—*Mr. Lockett.* There is a very small duty into Hamburg, notwithstanding which, the establishment for calico printing there is doing a very good business.

*This passage is full of inaccuracies—instead of but* ONE *printing establishment at Hamburg, there are four. That specially alluded to by Mr. Lockett, from its being at a distance from the city is that of M. Von Lenerche, but as the territory of Hamburg extends but a short way beyond the walls, the works if "rather more than four miles distant," would be far into the dominions of the king of Denmark! M. Von Lenerche's works are a short distance beyond the Jungfernstieg, and his productions, so far from being of the class described by Mr. Lockett, are confined to medium styles, of superior execution.*

too direct competition with France and England to admit of a vigorous and healthy manufacture within itself. Of four small establishments, (three of them unimportant,) the principal is that of M. Von Lenerche, which keeps only 3 machines and 93 tables employed. M. Von L. informed me that his productions are only of medium goods, and as the English excel in this peculiar department, that his aim is to imitate and catch their style; that for the purpose he employs his own designers, and by keeping up a succession of novelties, is able to hold his ground in goods which are produced by block work and hand labour, which is cheap at Hamburg; but that in any thing which has been already published in England, or produced there by machinery, he is utterly unable to sustain a competition against the printers of that country. The cost of machinery, the high value of fuel which is imported from England, and the immense wages of skilled labour, place it out of his power, with a circumscribed demand, to meet British goods in the market.

These statements with regard to the state of calico printing in Germany, made, not on surmise, or even by venturing an opinion after personal inspection, but on the authority and statements of the printers themselves, exhibit how very little England, *if she be but just to herself*, has to apprehend from foreign competition in that quarter. For half a century, and in spite of more powerful expedients that Germany can now resort to, England has succeeded in rendering her produce indispensable in her markets. Forty

years ago Germany was traversed from the Elbe to the Alps by travellers from Manchester, who attended at the great fairs, visited the chief cities, and traded even with the principal shopkeepers of the leading towns. The printers of Lancashire partook largely of this trade, which continued in this form till superseded by resident German agents in Manchester; and these again by the establishment of German houses for the purchase of that vast variety of fabrics of which Manchester had become the grand emporium.

Even the establishment of the Continental system of Napoleon could not shake off this hold which England had acquired upon the Continental markets. The effects of that system on Continental industry has been questioned, on the slight ground that its operation was twofold and contradictory—that whilst it enhanced the price of those articles which England was accustomed to supply, it also raised the price, and cut off the source of the chief and indispensable materials for their production at home. It is difficult, for instance, to conceive that calico printing could make much progress in a country where cotton was *four shillings* a pound, and indigo *two guineas*, as was the case for a short period in France. Yet this could not and did not long endure, and calico printing increased and flourished in Alsace. It was after the issuing of the Berlin and Milan decrees, that the cautious and sagacious Oberkamp established his spinning mills at Essonne.

In the countries, east of the Rhine, however, and

further removed from the focus of Napoleon's despotism, these extremes were less experienced, and it cannot be doubted, that the effects of that magnificent plan for ruining England by a deadly blow at her industry, the force of which is not yet spent, was an universal acceleration of the industrial power of the Continent, which in Germany was principally manifested in Saxony.

The events of 1814, and the distribution of the empire of Napoleon into its original elements, whilst it left unimpaired and undiminished the impetus which his policy had communicated to the industry of each individual state, had the effect, at the same time, of converting their previous co-operation into competition, and erecting every manufacturing country of Germany into so many mutual rivals, each struggling by its own tariffs and bye-laws to exclude and embarrass its neighbouring opponents, and all thus indirectly conspiring to perpetuate the supremacy of the manufacturers of England and of France. As a corrective to this dangerous evil, and with a view to give an impulse to the industry of each German state by a fusion of the commercial interests of all, a magnificent experiment has been attempted in the establishment of the Prussian Commercial League, the obvious design of which is to open freely to the enterprise of the most limited principality, the entire markets of the confederation from the shores of the Baltic to the Alps, and at the same time to exclude their more dangerous rivals in Great Britain and elsewhere, by the barrier of almost impassable duties.

But whilst every communication from Prussia, from Saxony, and elsewhere, concurs in the same assurance of the difficulty with which, at the present moment, their calico printers are sustained against the competition of Englishmen at their very doors, even in articles loaded with a duty such as against any other than British enterprise, would be a literal prohibition, the future production, and consequently the cost of German goods must still, under any aspect of internal improvement, be limited and restricted to that standard, which is invariably adjusted by *consumption*,—and the Prussian League with her aggregate population of 26,042,333 must rely upon some sources of superiority yet undiscovered, before she can hope to out-rival England, with her almost animated machinery, her prodigal profusion of fuel, her matchless dexterity of labour, her unexcelled attainments in science, and her undisputed power of supplying with her productions, dominions and colonies, upon which the sun himself never sets, but leaves her fertile territories in the west, only to shine upon two hundred millions of her subjects and dependants in the eastern hemisphere.

## CHAPTER XIV.

### REGISTRATION.

THE extent to which the trade generally have availed themselves of the registration system has as yet been very limited, as will be seen by a reference to the Returns, and the Registrar's Report. The objections taken to the present plan, as constituted under Lord Sydenham's Act, are chiefly on the grounds of its publicity — its expensive fees — its complexity and trouble in attaching the name of every proprietor in a firm, together with dates and other particulars, to the end of each piece printed— but, above all, the *worthless modicum of protection* which the law holds out, in return for compliance with these rigid preliminaries. It is somewhat curious too, to observe in these returns, that the number of designs registered, is almost proportionate to the quantum of copyright awarded. Metallic designs which have three years, are the most freely enrolled to secure that term.—Stained papers, which have twelve months, seem equally anxious to accept it; and calicoes, by far the most numerous in amount of production, is the least numerous in the quantity re-

gistered, owing to their valueless copyright of but three months.

For each and all of these, remedies have been suggested to the Committee, and have been already, or are now in process of being adopted in the management of the office, and such alterations being once effected, no objection exists on the part of the Calico-printers to adopt the system.

*Section* 1.—*As to Publicity.*

It was stated that the secrecy observed in the French system where the patterns are deposited in sealed packets inaccessible to the public, unless in case of a dispute as to originality, affords a security to the inventor against copying, which he could not have if his designs were to be exposed to general inspection, on the payment of a trifling fee,—as was then the practice of the registrar, but has been since abandoned, and his deposits in the office closed to the public.

On the other hand, perfect publicity is contended for by the opponents of copyright, in order to enable a printer, before he publishes a design, to be assured that it has not already been claimed or registered as the property of another; a circumstance liable to happen when patterns are purchased from independent designers, and are not produced by those in the exclusive employment of the printer himself,—although Mr. Kershaw* declares that "secrecy" in his own business is essential to security, and has

* Kershaw, 3672.

tended to protect his patterns from the approaches of the pirate; and Mr. Ross* declares that the trade generally are resorting to the same expedient for their protection.

An open registration, where every person's patterns and styles might be seen and inspected for a shilling, would expose the provision and resources of that portion of the trade which *invents*, to the depredations of that which *pirates*. It would, in fact, defeat the intention of the bill altogether; for as nobody in such case would register, and consequently nobody would be protected—this would amount to a virtual repeal of the three months' protection they already have.†

### *Section 2.—The Fee.*

The amount of the fee, which is now a guinea, has been also seriously condemned, as imposing too heavy a tax on parties who produce from 500 to 1,000 designs in the course of a year, and who might, but for this heavy charge, be disposed to secure a property in them by compliance with the terms of the Registration Act.

These fees, it is the opinion of Mr. Long, the registrar, may be reduced, compatible with the maintenance of the office from the proceeds, to a very moderate sum, payable on the deposit of each design.

It has also been suggested that some evidence of originality should accompany the original deposit.

* Ross, 5568. 5571.

† Mr. Thomson's Letter to Sir Robert Peel, p. 23.

But this seems impracticable, without constituting the registrar the judge in such a case.

### *Sect.* 3.—*The Stamp.*

The stamp on the end of each piece is conceived by the printers to be a matter of importance to them as a protection, but they object to its present complexity, as at once an unnecessary trouble imposed upon them, and such a defacement of their goods as renders it totally inapplicable to several descriptions of articles produced in the course of their trade.

In lieu of it, they suggest the substitution of a cypher composed of different letters, understood mutually by themselves and the registrar, and corresponding to a similar mark in his books to designate the name of the proprietor, and the date of registration.

The substitution of such a cypher would also obviate the objection which exporting merchants feel to allow the names of those from whom they purchase to go abroad upon their goods, and thus in some degree lay open to the public the sources and system of their trade, and which now induces them to cut off the names in fenting them, previous to packing, as the introduction of the cypher in lieu of the present stamp would give no intelligible information to the public to the prejudice of the merchant.*

Another objection is the deposit of three copies of each pattern or article registered, the expense of

* See the Evidence of Mr. Lucas, 6086.

which, in some cases, as that of shawls and other costly articles, is conceived excessive. But as specimens of the cloth itself, in most cases and drawings or tracing may be substituted in others, compatible with the objects of the register, this objection is likewise surmountable.

Another objection is, the trouble requisite to stamp every piece of goods protected, and the liability and consequences of error; but it is conceived, that the security offered, and the advantages derivable to the printer, are an equivalent for some inconvenience or additional labour in this respect.

## CHAPTER XV.

### OPINION OF THE TRADE AS TO THE EXPEDIENCY OF EXTENDING THE COPYRIGHT FROM THREE MONTHS TO TWELVE.

It now remains but to add a few words as to the nature of the opposition which the introduction of this measure has encountered from those who are themselves embarked in the trade. It may be naturally inferred that those who are desirous of substantial protection for their designs, are those who know by experience the labour, the study, and the cost of producing them; and it may with equal probability be suspected that those who are opposed to the protection of this species of property have themselves some latent intention of infringing and appropriating it. But as I have before said, there is a third class, who have been misled by false representations, to conceive an alarm for some distant danger to be apprehended from it, and who have mistakenly joined the copyist and the pirate in their unjustifiable resistance to an equitable and honest proposition. In no one instance, however, are those of this latter class the producers of the finer range of designs, or such as are exposed to any serious danger from the assaults

of piracy ; and in this is, perhaps, to be found one source of that indifference which designing misrepresentations have alarmed into hostility.

It is likewise a remarkable and most suspicious fact, that *the existence of piracy is confined to Manchester alone,—and not from Manchester alone* have come the petitions *against* the improvement of the copyright law. From Scotland every single petition is for extension, 64 out of 67 printers being in favour of the measure, and the others merely neutral. In Ireland every printer is favourable.—From London and every part of England where the manufacture exists, petitions have been presented praying for extension, and even from Manchester itself the most pressing representations have been made by the great body of persons engaged in the trade, whilst the opposition is confined to those houses, either directly implicated in piracy, or those who, though untainted with it themselves, and denouncing it as immoral in principle and disreputable in practice, have been deluded into an apprehension of some undefined danger in its vigorous nd effectual suppression.

Those printers who think *humility of price* is the sole and only introduction to public favour, are opposed to the alteration of a law that in general gives an unjust advantage to the pilferer over the honest producer. Those who see *taste* and *superior* elegance opening the door to French manufactures in every quarter of the globe, perceive their own inferiority, and whilst they are conscious of their powers and

capabilities, pray only for protection and encouragement to develope them.

The petitioners *for* copyright are those who, though they produce in the aggregate the smallest number of pieces because their works are the most elaborately beautiful, are nevertheless those who, in proportion to their production, give the greatest amount of employment. On the other hand, the opponents of extension are those who produce the coarsest and most ordinary articles—those mountains of cloth, whose superficies is counted by "miles" instead of yards,* but which are produced by little labour, affording but scanty employment, and the whole value of the article, cloth, printing, and profit inclusive, falls short of the mere wages of labour of printing alone, of most styles of the former class.†

The following table, founded upon actual returns of the respective parties, made to the Select Committee on the Copyright of Designs, exhibits a comparative statement of this labour and production:—

* Question by *Mr. M. Phillips.* What number of yards would you conceive the 700,000 pieces which you produce annually to amount to?

Answer by *Mr. Lee* I cannot give you the *goods*—I can give you the number of *miles;* 11,137 miles, I make it.

Evidence, No. 4404.

† Letter to Sir Robert Peel, p. 32.

## TABLE I.

*Account of the Number of Pieces printed, and Hands employed on certain Print Grounds of England.*

| Names. | Pieces printed in year 1839. | Hands Employed. | Pieces per Head. |
|---|---|---|---|
| Ainsworth & Co. ..... | 430,000 | 400 | 1,075 |
| Schwabe & Co..... | 310,000 | 700 | 443 |
| Thos. Hoyle & Sons.... | 269,229 | 693 | 388 |
| Fort, Brothers & Co. .. | 224,971 | 750 | 300 |
| Hargreaves & Dugdale .. | 306,629 | 1,040 | 295 |
| Edmund Potter & Co. .. | 83,000 | 380 | 218 |
| Thomson Brothers & Co. | 168,181 | 930 | 181 |
| John Lowe & Co..... | 52,000 | 300 | 173 |
| Swaisland & Co. ..... | 40,000 | 260 | 154 |

## TABLE II.

*Shewing the relative Number of Hands required to produce the same Numerical Amount of Pieces of different styles on various Print Grounds of England.*

| Pieces annually. | | Names. | | Hands. |
|---|---|---|---|---|
| 100,000 | at | Ainsworth & Co.* | employ | 100 |
| 100,000 | at | Schwabe & Co. | „ | 226 |
| 100,000 | at | T. Hoyle & Sons. | „ | 258 |
| 100,000 | at | Fort, Brothers & Co. | „ | 333 |
| 100,000 | at | Hargreaves & Co. | „ | 339 |
| 100,000 | at | E. Potter & Co. | „ | 457 |
| 100,000 | at | Thomson Brothers & Co. | „ | 553 |
| 100,000 | at | John Lowe & Co. | „ | 577 |
| 100,000 | at | Swaisland & Co. | „ | 650 |

* Letter to Sir Robert Peel, p. 33.

Table I. shows the actual production, and the number of hands employed, at the several print grounds enumerated, as furnished by the parties themselves. Table II. exhibits the respective quantities of labour, that is, of hands employed by each house in the production of the same numerical amount of pieces, reduced to one common unit.* The latter names in the list are all those of persons in favour of the extension of the copyright; the number of whose hands employed to produce 100,000 pieces range from 650 down to 226. *Below these* commence the opponents of the bill, as the class of production descends into navy blues, and other non descript articles, and taking 100 hands, as the lowest conceivable power for the production of 100,000 pieces of these, the average of those above it is taken by Mr. Thomson to be above 160. "These tables," as he himself explains, "are not intended to exhibit statements of the amount and kind of production of individual houses with a view to invidious comparison, but to shew the relation between labour and production in this important branch of our national industry, and avowedly for the purpose of correcting any impression which may have gone forth, that that portion of the trade whose production, as stated by themselves, is numerically the greatest, must necessarily be the most important. A glance at the first and last lines of the second table will correct this illusion, if such ever existed."†

As between the actual petitioners for effectual

* Letter to Sir Robert Peel, p. 33. † Ibid, p. 38.

copyright and its enemies, the *talent* and the *ambition to excel* is exclusively on the side of protection, and the *mere common place mechanical production* on that of the opponents. The latter undoubtedly exhibit the greater amount in tons' weight, and acres of calico; but the former plume themselves with justice upon the superior beauty of their designs, and the infinitely higher excellence of the execution. In the number of individuals, the promoters of the measure are, as two to one, compared with those who resist it;—but even were it otherwise—was the proportion inverted, the petitioners the imploring minority, and their opponents as powerful in numbers as they are ponderous in weight; still it is the former whose representations and whose wants should be consulted by the Legislature, as those on whose talents and whose taste the productions of the country must ever be dependent for their advancement, their elegance, and their estimation with the world. It is not to the masses but to the few, or even to the individual, that manufactures must look for their improvements and their discoveries. Arkwright and Watt were but units amidst the multitude of their competitors, but their genius, by one effort, raised not only their contemporaries, but their posterity to the summit of prosperity. They are the Watts and the Arkwrights of calico printing, who are now humbly suing at the bar of the House of Commons, not for favor but for justice; not for encouragement, but for protection; not for participation in another's property, but for security for their own; and if their

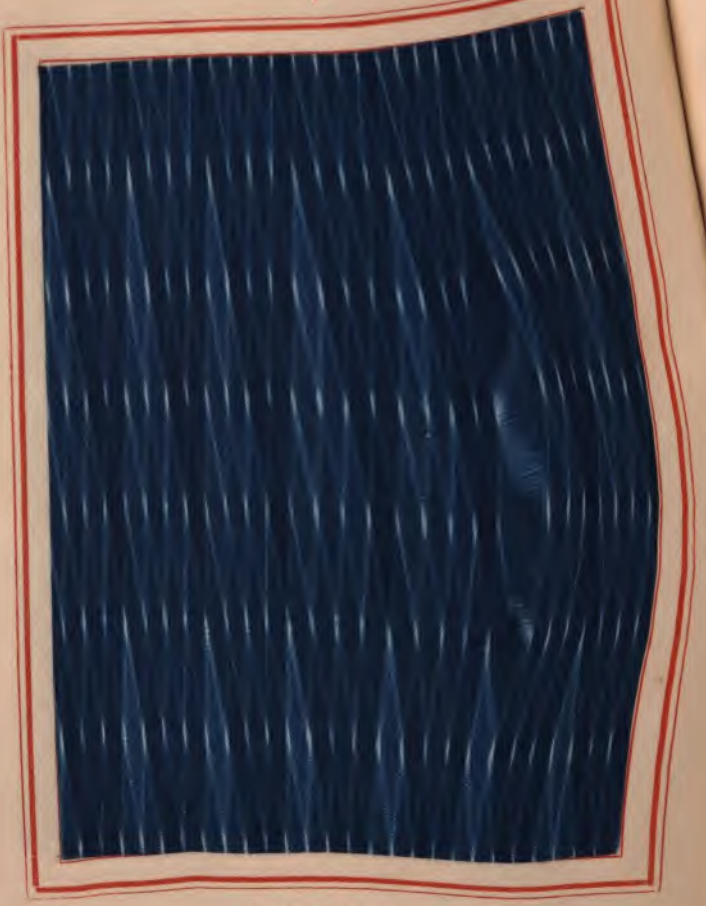
honest and equitable demands be repulsed and rejected, not only their present opponents, but the future industry of England must be the ultimate and inevitable sufferers.

IV



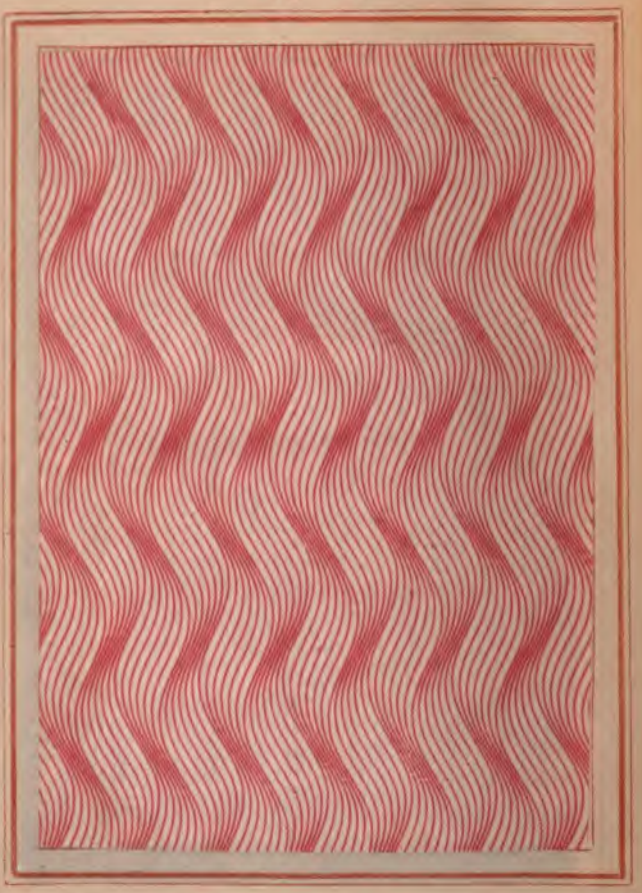
DIORAMA, var. 1.

V



DIORAMA, var. 2.

## N°. VI.



HOYLE'S WAVE, var. I.

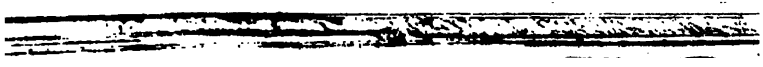
# APPENDIX.

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*CORRESPONDENCE.*

## BELGIUM AND ELBERFELD.

1. Mr. De Smet to Mr. Thomson.
2. Mr. Voortman to Mr. Thomson.
3. Mr. De Hemptinne to Mr. Thomson.
4. Mr. De Hemptinne in continuation.
5. Mr. De Meure's reply to queries.
6. Mr. Rey Ainé's ditto.
7. Mr. Bockmühl's ditto.



# APPENDIX.

## M. DE SMET DE NAEYER TO M. THOMSON.

MON CHER MONSIEUR.

J'ai reçu la lettre que vous m'avez fait l'honneur de m'écrire le 10 de ce mois, par laquelle vous m'invitez à répondre aux diverses questions qu'elle renferme relativement à des assertions que l'on cherche à accréditer en Angleterre, et qui tendent à établir que les fabriques d'Indienne de la Belgique ont des avantages marqué sur celles de la Grande Bretagne. Afin de mieux détruire des allégations que je regarde comme *perfides et mensongères*, j'y répondrai article par article.

1. Il ne saurait être vrai que le fabricant d'Indiennes en Belgique, puisse produire des impressions à 10 p. ct. meilleur marché que le fabricant Anglais: j'estime au contraire, qu'on ne peut les produire ici que de 10 à 25 p. ct., selon les genres, plus cher qu'en Angleterre; et cela abstraction faite du prix de la toilé écrue qu'on se procure aussi à meilleur marché en Angleterre qu'en Belgique.

2. Ce n'est avoir aucune notion sur l'industrie Belgique d'établir qu'un fabricant en Belgique soit en état de produire à 10 shellings, la pièce de 24 yards 9-8, les impressions moyennes: car à l'exceptions des impressions en rouille une couleur, je ne connais pas d'im-

pressions qui coutent moins de 14 à 16 shellings la pièce ; d'autres se vendent de 20 à 24 shellings.

3. Je ne puis croire qu'un fabricant en Belgique soit en état de produire des impressions, soit sur calicot soit sur mousseline, en 4 ou 5 couleurs, même en ayant une vente assurée de 150 pièces par dessin, à un shelling deux pense meilleur marché que le fabricant Anglais ; parcequ'alors ce fabricant aurait exclusivement la préférence, et aucun autre en Belgique ne pourrait concourir avec lui ; sa fabrique travaillerait continuellement, et nous voyons au contraire, par le défaut de protection que le gouvernement s'obstine à réfuser, tous les atéliers indistinctement chômer plus ou moins.

4. Je ne crois pas qu'un fabricant d'ici ait reçu des calicots écru Anglais, pour les réexporter ensuite apres l'impression sur un des entrepots de l'Angleterre. Il est vrai que plusieurs d'entre nous ont essayé diverses exportations qui n'ont jamais eu de suite, à cause des perte qu'elles ont présentées par l'impossibilité où nous sommes de pouvoir soutenir, sur quelque marché que ce soit, la concurrence des fabriques Anglaises. En 1832, une société s'est établie pour l'exportation des tissus blancs, teints et imprimés ; elle a fait des expéditions d'essai en Portugal, au Levant, à Singapore, à la Havane, au Mexique, au Brésil, à Lima, à Valparaiso, et je crois même aux Etats Unis. Quoique par son entremise je n'ai jamais rien expédié, il m'a été assuré par des Sociétaires que la perte sur ces diverses expéditions s'est élevée à plus de 400,000 francs. Peu de temps après la création de cette société, le Roi des Pays-Bas majora jusqu'a 50 p. ct., dans ses possessions des Indes Orientales, les droits d'entrée de tous les produits des fabriques de coton de la Belgique, parcequ'il crut entrevoir que cette société était protégée par le Gouvernement Belge.

Pour ce qui regarde la demande qu'un fabricant Belge aurait faite au Gouvernement de pouvoir introduire, en franchise de droits, des calicots écrus Anglais, pour les réexporter ensuite après l'impression, je ne puis y ajouter foi ; d'un part, parceque pareille autorisation n'aurait pas été donnée par le gouvernement sans qu'il eut préalablement consulté les Chambres de Commerce et des Fabriques du Royaume, dont j'ai

l'honnéur d'être membre ; et que d'un autre côté, le gouvernement n'aurait eu rien de plus empressé que de faire connaitre pareille demande à tous les fabricants pour leur indiquer un moyen d'exportation, et s'affranchir ainsi des plaintes continuelles dont il est assiégé.

5. Je me rappelle avoir vu des fonds rouges et noirs, et noirs rouges et verts importés de France. Les premières pièces en dessins élégantes ont été vendues à des prix élevés, comme genres nouveaux ; mais comme la mode en France passe plus rapidement que dans tout autre pays, je les ai vues peu après faire partie des dessins délaissés et comme tels vendues à vil prix.

6. Bien loin que les impressions Belges aient pu supplanter en Hollande les impressions Anglaises, nous éprovons journellement tout le contraire. Ces dernières marchandises y abondent et s'y vendent constamment à un prix si bas que les relations de ma maison (de De Smet fréres) avec la Hollande ont presqu'entièrement cessé,

Pour ce qui regarde la concurrence des impressions Belges sur les marchés des Etats-Unis d'Amérique, elle est de pure invention et elle n'a jamais existé.

7. L'Indienneur Anglais qui établirait sa fabrique en Belgique n'y trouverait pas plus d'avantages que les industriels du pays, il serait cruellement trompé s'il croyait pouvoir y exercer son industrie sur la même echelle qu'en Angleterre. Peu de temps avant la Revolution, un etablissement appartenant à Mr. Cockerill, entièrement monté à l'Anglaise, et dirigé par un Anglais, s'est érigé à Andenne près de Namur. Les produits en étaient varies et considérables. Les dessins même portaient le type Anglais. Faire beaucoup dans le but de diminuer les frais généraux et de produire à meilleur marché ètait le point de mire. Mais depuis la Revolution de 1830, bornée à la consommation de la Belgique, qui depuis lors est ouverte aux importations frauduleuse de tous les pays, cette entreprise eut les réssultats les plus désastreux. Un membre de la Chambre des Représentants qui a vu les comptes de cette maison avant qu'elle réglat avec le Gouvernement Belge les avances qu'elle en avait reçues m'a pleinement confirmé le fait. Pour opérer une liquidation, le

Gouvernement a provoqué la vente publique de l'etablissement qui fut rachété par Mr. Cockerill; et depuis cette fabrique n'a plus travaillé.

9. L'importation des marchandises Anglaises en Belgique, loin de diminuer, ne fait qu'accroitre. Pendant les six premiers mois de l'année 1840, il en a été importé 17,000 pièces de plus qu'en 1839, non compris celles importées en fraude par la frontière de la Hollande.

10. Les dessins Français sont généralement préféré en Belgique. Ils sont considéré comme plus élégants et de meilleur goût. Ceux de l'Angleterre plaisent parfois, mais c'est surtout le bon marché qui les fait vendre.

11. Les dessins Anglais en Belgique sont très rarement copiés et je ne me rapelle pas que, depuis 10 ans, nous en ayons copié plus de 3. J'ai achété un petit nombre de molettes Anglaises, non pour en copier les dessins mais pour en comparer la gravure avec la nôtre.

12. Le prix ordinaire de la bonne houille en Belgique est de 20 francs le tonneau.

13. Le salaire des imprimeurs en Belgique est de 15 à 18 francs par semaine. Les reutreurs gagnent la même somme.

14. Il n'y a pas de fabrique d'Indiennes de quelqu'importance en Belgique qui n'ait un dessinateur. En outre les fabricants achetent des dessins à Paris et à Mulhouse. Dans le but de former des dessinateurs on a institué, à l'Academie de dessin de cette ville, un cours gratuit de dessin pour l'Indienne, dont la professeur est attaché à l'une de nos principales fabriques.

15. On importe un petit nombre de rouleaux gravis d'Angleterre en Belgique, mais tous genres guillochis; pour les autres geures de dessin, la plupart des fabricants out leurs propres ateliers de gravure.

16. Je ne connais pas de bon atelier de construction en Belgique, pour la confection de machines propres à l'impression. Le plus grand nombre de ces machines viennent de la France: quelques unes de l'Angleterre.

17. Je compte 15 fabricants d'Indiennes à Gand, dont 7 à la vérite ont

des ateliers de peu d'importance. J'en compte 3 ou 4 à Alost, dont 2 assez marquants: à Bruxelles je connais au moins 6 Indienneries importantes, mais je crois que la nombre en est plus grand.

18. La propriété des dessins est garantie en Belgique par la même loi qu'en France.

19. La fraude des impressions Anglaises en Belgique est très considérable par la frontières de la Hollande. La prime est aujourd'hui de 6 à 8 p. ct.

20. Le droit d'entrée sur les impressions de tous les pays indistinctement, est de 100 florins des Pays-Bas par 100 kilog.

Disposez, Monsieur, de mes services en toute occasion, et agreez l'assurance de mes sentiments d'estime et de consideration.

De Smet De Naeyer.

*Gand*, 11 *Sept.* 1840,

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## M. VOORTMAN TO MR. THOMSON.

Monsieur,

J' apprends par la lettre que vous m'avez fait l'honneur de m'écrire que des rapports ont été fait à la Chambre des Communes d'Angleterre sur l'étendue de ma fabrique et sur la partie économique de mon établissement. On a considérablement exageré la première partie, par exemple, au lieu de trois machines à imprimer, je n'en ai que deux; et au lieu de 30,000 broches, ma filature n'en contient qu'environ 10,000. Pour la partie économique, on me fait dire que les fabricants Belges peuvent non seulement concourir avec les fabricants Anglais; mais peuvent produire de 10 p. cent. de moins. Ce qui prouve le contraire c'est que la Belgique se trouve encombré de marchandises étrangères, et que nos établissements chôment ou végètent, de sorte que nous ne pouvons pas même soutenir la concurrence sur notre propre marché.

Repondant aux diverses questions que vous me faites:—

1. Vu la position dans laquelle se trouve la Belgique, il est impossible aux fabricants d'Indiennes de soutenir la concurrence avec les fabricants Anglais, soit qu' ils fabriquent sur des calicots indigène ou sur calicot Anglais. On ne peut par conséquent faire fabriquer en Belgique pour exporter pour l'Angleterre.

2. Nous sommes a peu près exclu de tous les marchés où nous trouvons la concurrence Anglaise.

3. On a fait quelques essais d'exportation qui ont donné de la perte, on n'exporte plus.

4. D'après le Burn Glance on a importé en Belgique 400,000 yards de plus dans le 1er semestre de cette année, que dans le 1er semestre, de 1839. Il entre encore outre cela beaucoup d'imprimés en fraude par la Hollande.

5. Je ne copie que rarement des dessins Anglais et si cela arrive c'est un dessin meuble, je puis en avoir copié deux ou trois depuis deux ans.

6. Le prix du bon charbon est de 20f. le tonneau, celui dont je fais emploie est de moindre prix; mais aussi de moindre qualité.

7. Les prix des imprimeurs est de 15 a 20 francs pour six jours de travail.

Espérant Monsieur, que ces renseignements vous suffiront,

J'ai l'honneur de vous présenter mes sincères salutations.

Votre tout dévoué,

T. VOORTMAN.

*Gand*, 11 *Sep.* 1840.

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## M. DE HEMPTINNE TO MR. THOMSON.

MONSIEUR,

Je m'impresse de répondre aux questions que vous me soumettez par votre lettre de ce jour.

1. Notre maison a effectivement imprimé sur calicots Belges, une

petite partie de quatre-vingt pièces, pour compte d'une maison Anglaise, et destinée pour la Havane, mais cet essai n'a pas eu de suite.

2. Les imprimeurs Belges ne peuvent pas lutter contre les Anglais, car leurs produits, par suite de la position particulière du pays, reviennent beaucoup plus chers qu'en Angleterre.

3. Les Anglais nous ont a peu près exclus du marché de la Hollande, et tous les essais d'exportations vers d'autres contrées n'ont pas eu de succès.

4. Répondu par No. 3.

5. En comparant l'importation des imprimés Anglais pendant le premier semestre de l'année 1839 avec celle de 1840, on trouve une augmentation de 17,000 pièces, sans compter les quantités qui ont été fraudées par les frontières de la Hollande.

6. Les dessins Anglais sont *très rarement* copiés par notre maison, (deux ont été copiés en 1839, et un seul en 1840.)

7. Le prix d'un bonne qualité de charbon est de vingt francs par tonneau Anglais.

8. Les salaires des ouvriers imprimeurs s'elèvent de 15 à 18 francs par semaine; ceux des manœuvres de 10 à 12 francs.

Si je puis vous être utile je vous prie de ne pas m'épargner.

Veuillez agréer, Monsieur, mes salutations cordiales.

CHAS. DE HEMPTINNE.

*Gand*, 11 *Sep.* 1840.

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## M. DE HEMPTINNE TO MR. THOMSON.

MONSIEUR,

J'ai l'avantage de satisfaire au contenu de votre billet.

Une machine peut tondre, par journée de quatorze heures de travail effectif, 2030 yards, passés deux fois.

Pour soigner deux machines—

| | | |
|---|---|---|
| —J'ai un homme pour aiguiser les lames, et soigner une machine, qui gagne par semaine ..... | francs | 11 4 |
| —Une fille pour le seconde machine ..... | ditto | 7 0 |
| —Une fille pour coudre les pièces ..... | ditto | 7 0 |

Les rouleaux en cuivre jaune pèsent 180 kilogs. et coutent à Paris six cent trente francs par pièce.

Je n'ai plus d'imprimeurs à la main, et j'occupe environ vingt cinq tables de rentreurs. La production varie de vingt cinq à trente mille pièces de trente yards.

Je vous renvoi ci-joint les livres quo vous avez bien voulu me prêter, et vous prie de reçevoir mes remerciements.

Je vous prie, Monsieur, de reçevoir mes salutations cordiales.

CHAS. DE HEMPTINNE.

*Gand, Sep.* 12, 1840.

Je vous prie de remettre votre addresse en Angleterre au porteur, afin de pouvoir vous envoyer les autres renseignements que vous m'avez demandés.

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## M. DE MEURE TO MR. THOMSON.

MONSIEUR,

Vous avez désiré que je vous donne par écrit quelques renseignements, sur la vente des tissus imprimés, en Belgique. Je m'empresse, Monsieur, de satisfaire à votre demande. Je pense que les neuf dixiemes des tissus imprimés, dans les prix élevés, qui se vendent en Belgique, proviennent des fabriques Françaises, ces tissus sont :

Les Mousselines imprimées,
Les Jaconnots imprimés,
Les Mousselines de laine pure imprimées,
Les Mousselines de laine chaine coton imprimées.

Cette preférence accordée aux produits Français, doit être attribuée selon moi, aux dessins qui plaisent aux consommateurs par leur grande variété, leur bon gout, et le choix des nuances. Les mousselines de laine, dont la consommation augmente tous les jours, presentent de plus un avantage de 3 à 4 pour cent. au moyen des primes accordées par le gouvernement Français à la sortie de France.

Les produits des fabriques de Gand et autres de la Belgique, ne sont,

en général que des tissus de coton imprimés dans les bas prix, ce genre soutient avec avantage la concurrence des produits Anglais et Français parceque les droits d'entrée en Belgique sont fort élevés sur les tissus de coton de cette qualité. Le droit se paye au poids, il est de 212 francs les 100 kilogrammes.

Quant aux tissus de coton imprimés, dans les prix moyens les fabriques Françaises et Anglaises en vendent beaucoup en Belgique; leurs produits peuvent supporter, pour ce genre, la différence produite par les droits d'entrée ou par la prime payée à la fraude.

J'ai l'honneur d'être, Monsieur,

Votre très humble serviteur,

Pour part de T. B. De Meure,

Ch. De Meure.

*Bruxelles, le* 17 *Septembre*, 1840.

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## M. REY AINE' TO MR. THOMSON.

*Bruxelles, le* 21 *Sept.* 1840.

Monsieurn,

1. Nos exportations en Hollande avant la révolution etaient assez considérables, je crois qu'elles entraient bien pour la moitié dans la consommation.

2. Aujourd'hui, vu le retrait de la protection que les cotons imprimés Belges obtenaient en Hollande, les expéditions qui s'y font sont de peu d'importance, je ne les estime pas même à un quart de ce qu'elles etaient avant la révolution sans comprendre ici les affaires que les imprimeurs Belges faisaient avec la Société de Commerce pour ses exportations à Java, et qui s'accroissaient à tel point qu'on peut dire, sans exagérer, que pendant les deux dernières années cette société a exporté la moitié des produits Belges.

3. Nos exportations à présent sont insignifiantes en Indiennes, sauf le peu que quelques fabricants expédient encore en Hollande; je ne connais aucune contrée l'où on fasse des expéditions, sauf quelques essais qui n'ont pas réussi.

4. Les toiles Anglaises, par leur grande variété font concurrence à toutes les fabriques, tant Suisses, que Françaises ou Belges.

5. Les genres qui ont été frappés par l'augmentation des droits sur les cotons en 1827 sont, les calicots écrus et blanchis et les cotons imprimés communs de 8 à 12 sch. Ces articles ne peuvent plus s'expédier par conséquent, avec avantage, sur le Belgique.

Ci-haut j'ai le plaisir de vous remettre la reponse aux questions que vous m'avez faites; et dans l'espoir que mes observations puissent vous être de quelqu' utilité, je vous présente, Monsieur, l'assurance de ma parfaite considération.

T. Rey Aine'.

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## M. BOCKMÜHL TO MR. THOMSON.

Monsieur:

Vous nous avez communiqué l'extrait d'une enquête au sujet du "Copyright of Designs" dans lequel il est fait mention de notre fabrique. Nous nous rappelons que M. Lockett a été nous voir en compagnie d'un professeur Anglais, que les deux Messieurs nous ont fait beaucoup de questions, mais il parait que nous ne nous sommes pas bien entendus, puisque la manière dont on a rendu nos reponses manquent bien d'exactitude. Nous en faisons mention particulier comme suit.

Page 502—8709 Reponse. Nous n'avous pas dit que nous puissions fabriquer quelques genres à meilleur marché qu'en Angleterre. La main d'œuvre ne nous coute pas autant, mais les charbons sont plus chers, les faux fraix plus hauts. Ceci et les impôts sur tout ce que nous employons à la fabrication renchérissent notre ouvrage.

8710. Le railway de Dusseldorf à Elberfeld ne servira jamais au transport des charbons dont les mines sont d'un côté tout à fait opposé. Il pourroit plutôt arriver que l'on envoyât des charbons d'Elberfeld à Dusseldorf par le railway.

8714. Le gouvernement donne quelque fois la permission de la libre importation de machines, s'ils sont d'un nouveau système, mais avec beaucoup de restriction.

8715. Les machines Anglaises sont meilleur marché dans le pays que celles de France ; les frais de transport sont presqu' égaux, mais les frais d'exportation et d'emballage sont si enormes que nous sommes obligés d'acheter en France à l'exception des "rollers" que nous tirons de Manchester.

8716, 17. Convenu.

8718, 19, 20. Nous nous permettons quelquefois de copier les bonnes productions d'autres pays, ou de les ajuster au gout du nôtre. Mais si nous copions, ce sont toujours des dessins Français, presque *jamais* des Anglais, par la simple raison que ces derniers ne conviennent pas au consommateur du pays où nous exploitons la plupart de nos affaires.

8722, 23, 24. Il se fait peu de "Turkey red prints" dans notre fabrique, puisqu'il nous est difficile de soutenir la concurrence de la Suisse. Jamais nous n'en avons exporté une seule pièce.

8725. Nous convenons que plusieurs articles de notre fabrication nommément les "single colours" sont preferés par les acheteurs à ceux d'Angleterre, mais nous sommes bien loin de concourir quant au prix partout ou nous ne sommes pas à l'abri de notre droit d'importation. Nous envoyons le fil Anglais par Hamburg et Berlin en Silesie pour le faire tisser ; ce détour énorme rencherit le prix de toiles. Ajouter à cela les droits sur le fil et la garance sur tout ce qui s'emploie au confectionnement et sur les machines, et le prix de charbons qui est de 11 à 12 shillings par ton—vous conviendrez que nous renonçons absolument, à condition égale, à toute concurrence avec les fabriques de l'Angleterre.

Nous esperons que ces renseignemens de toute vérité vous suffiront, et vous saluons Monsieur, d'estime et de considération.

BOCKMÜHL FRERES SCHLIEPER ET HECKER.

*Elberfeld*, 25 *Sept.* 1840.

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